



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

March 2011

## UN High Commissioner for Human Rights Visits Tribunal



**The United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay on 31 March 2011 paid a one-day official visit to the United Nations International Criminal Tribunal for Rwanda.**

During her visit the High Commissioner, who had previously served as Judge and later President of the ICTR, hailed

the work and achievements of the ICTR and other similar tribunals in promoting international criminal justice. She also underscored the complementarity between Human Rights and International Criminal Justice.



Staff Members during the meeting with Ms. Pillay

Speaking to members of staff of the Tribunal, the High Commissioner explained that by conducting fair and effective trials of alleged perpetrators of serious international crimes, the ICTR and other international courts and tribunals have contributed to ending impunity for gross human rights violations and other international crimes.

“The ICTR and the ICTY have been crucial to the development

of the rule of law, at both international and national levels, through their jurisprudence and their role as precursors to other international and hybrid tribunals, and the international criminal court,” she said.

The UN High Commissioner also held talks with senior officials of the Tribunal including the ICTR President, Judge Charles Michael Dennis Byron, the ICTR Judges and the Prosecutor, Justice Hassan Bubacar Jallow.



Ms. Pillay with ICTR Spokesperson, Mr. Amoussouga at the Press Conference

She also participated in a Press Conference with local, regional and international journalists (Print Press, TV, and Radio accredited journalists)

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Group photo with ICTR Judges & Staff



## ICTR Judicial Activities

- **Work of the Trial Chambers and the Appeals Chamber in March 2011**

### **Trial Chamber I**

The work of this Trial Chamber has been completed.

### **Trial Chamber II**

#### Ongoing Trials

#### **Ngirabatware**

The Defence filed an Amended Pre-Defence Brief on 4 March 2011. On 9 March 2011, the Chamber denied a Prosecution Motion to compel a reduction in the Defence witness list and to order the disclosure of additional witness statements, and dismissed as moot the Prosecution request concerning the Defence order of appearance. On 15 March 2011, the Chamber requested that the Arab Republic of Egypt assist in facilitating a meeting between the Defence and an Egyptian national. On 30 March 2011, the Chamber requested the assistance of France in providing immigration and other records of six listed Defence witnesses, and directed the Prosecution to disclose these records once obtained. During the reporting period the Chamber issued three written Decisions and one Scheduling Order.

#### Trials in Judgement Drafting Phase

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

Deliberations and judgement drafting continued.

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

Deliberations and judgement drafting continued.

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

Deliberations and judgement drafting continued.

### **Trial Chamber III**

#### Ongoing trials

#### **Nzabonimana**

The Trial Chamber heard seven witnesses during the month of March 2011. It issued ten decisions during the same period.

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

The Parties are now working on their Closing Briefs, and the Chamber issued seven decisions during the month of March.

#### **Ndahimana**

The Trial Chamber issued one decision in March 2011.

#### Trial in Judgement Drafting Phase

#### **Gatete**

On 29 March 2011, Trial Chamber III sentenced Jean-Baptiste Gatete (former director in the Rwandan Ministry of Women and Family Affairs) to a life

sentence. He was found guilty of genocide and extermination as a crime against humanity, but acquitted of rape as a crime against humanity.

#### Ongoing Trials

#### **Nizeyimana:**

The Chamber issued six decisions in March 2011, and heard the complete testimony of 38 Prosecution witnesses. The Prosecution rested its case on 25 February 2011.

#### Pre-Trial

#### **Uwinkindi**

Preliminary analysis of submissions has been undertaken in March 2011.

#### **Kayishema**

The Chamber previously granted the request of the International Criminal Defence Attorneys Association for leave to appear as an amicus curiae and invited the Republic of Rwanda to file submissions in relation to the Prosecution's request to transfer the case of Fulgence Kayishema to the jurisdictions of Rwanda.

#### **Sikubwabo**

The Chamber previously granted the request of the International Criminal Defence Attorneys Association for leave to appear as amicus curiae and invited the Republic of Rwanda to file submissions in relation to the Prosecution's request to transfer the case of Charles Sikubwabo to the jurisdictions of Rwanda.

#### 71 bis Applications

#### **Kabuga**

In the *Kabuga* case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

#### **Bizimana**

In the *Bizimana* case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

#### **Mpiranya**

In the *Mpiranya* case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

#### **Appeals Chamber**

In March, the Appeals Chamber heard appeals from judgement in **3** cases (*Bagosora & Nsengiyumva, Setako, Munyakazi*) and issued **2** decisions on interlocutory appeals in *Nizeyimana* and *Karemera & Ngirumpatse* cases as well as **20** pre-appeal decisions or orders.



Currently, the Appeals Chamber is seized of 14 matters, including 8 cases involving appeals from judgement.

In the **Renzaho** case the Trial Judgement was rendered on 14 July 2009, the briefing in this appeal concluded on 5 May 2010, and the appeal was heard on 16 June 2010. The Appeal Judgement will be delivered on 1 April 2011.

The Trial Judgement in the **Muvunyi** case was rendered on 11 February 2010. The briefing of the appeals was completed at the end of July 2010, and the appeals were heard on 21 October 2010. The Appeal Judgement will be delivered on 1 April 2011.

The **Bagosora et al.** Trial Judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. Theoneste Bagosora, Aloys Ntabakuze, and Anatole Nsengiyumva appealed. The briefing in respect of the appeals was completed at the end of July 2010. The appeals of Theoneste Bagosora and Anatole Nsengiyumva were heard from 30 March 2011 through 1 April 2011. Due to unavailability of Aloys Ntabakuze's counsel for the scheduled hearing of his appeal, the Appeals Chamber severed his case and decided to hear his appeal later.

The Trial Judgement in the **Setako** case was rendered on 25 February 2010 and issued in writing on 1 March 2010. Both parties filed notices of appeal and the briefing was completed in November 2010. The appeals were heard on 29 March 2011.

The Trial Judgement in the **Munyakazi** case was rendered on 30 June 2010 and issued in writing on 5 July 2010. Both parties filed notices of appeal in August 2010 and the briefing was completed in January 2011. The appeals were heard on 28 March 2011.

The Trial Judgement in the **Ntawukulilyayo** case was rendered on 3 August 2010 and issued in writing on 6 August 2010. Dominique Ntawukulilyayo filed his notice of appeal on 6 September 2010 and the briefing was completed in March 2011. The appeal is presently being prepared for a hearing.

The Trial Judgement in the **Kanyarukiga** case was rendered on 1 November 2010 and issued in writing on 9 November 2010. Both parties filed notices of appeal in December 2010 and the briefing is in progress.

The Trial Judgement in the **Hategekimana** case was rendered on 6 December 2010 and issued in writing on 14 February 2011. Ildephonse Hategekimana filed his notice of appeal on 16 March 2011 and the briefing is in progress.

In addition to these appeals, the Appeals Chamber is seized of 2 interlocutory appeals in the **Ngirabatware** and **Nzabonimana** cases, 2 requests for review in the **Kamuhanda** and **Ndindabahizi** cases, as well as 2 other requests in the **Niyitegeka** and **Nshogoza** cases.

During 2011, the Appeals Chamber delivered 2

decisions on interlocutory appeals, 2 decisions on review or other post-appeal requests, and issued 47 pre-appeal orders or decisions. To date, the Appeals Chamber has delivered 27 Judgements, concluding the appellate proceedings in respect of 33 persons.

#### • Appeals Chamber Hears Arguments in Setako Case



The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Patrick Robinson, presiding, Judge Mehmet Güney, Judge Fausto Pocar, Judge Liu Daqun, and Judge Carmel Agius, on 29 March 2011, heard oral arguments regarding the appeals by

Ephrem Setako and the Prosecution against the Judgement rendered by Trial Chamber I on 25 February 2010 and issued in writing on 1 March 2010.

The Trial Chamber convicted Setako of genocide for ordering the killings of Tutsis at Mukamira military camp, Ruhengeri prefecture, on 25 April and 11 May 1994. Moreover, in relation to the killings on 25 April 1994, it convicted Setako of extermination as a crime against humanity and murder as a serious violation of Article 3 common to the Geneva Conventions and Additional Protocol II. Setako was sentenced to a single term of 25 years of imprisonment.

Setako challenged his convictions and requested the Appeals Chamber to overturn them, quash his sentence, and release him. In the alternative, he requested the Appeals Chamber to order a retrial and his release on bail. Setako claimed that the Trial Chamber made numerous errors of fact and law.

The Prosecution raised three grounds of appeal and requested the Appeals Chamber to correct the errors and increase the sentence to life imprisonment.

At the time of the relevant events, Setako served as head of the legal affairs division of the Ministry of Defence. The accused was arrested on 25 February 2004 in The Netherlands and transferred to the United Nations Detention Facility on 17 November 2004. His trial opened on 25 August 2008 and closed on 26 June 2009, after 60 trial days.

#### • Jean-Baptiste Gatete Sentenced to Life Imprisonment



Trial Chamber III of the United Nations International Criminal Tribunal for Rwanda on 29 March 2011 sentenced Jean-Baptiste Gatete, former Mayor of Murambi Commune in Byumba prefecture and, in April 1994, Director in the Rwandan Ministry of Women and Family Affairs, to life imprisonment.

The Trial Chamber composed of Judges Khalida Khan



(Pakistan), presiding, Lee Gacuiga Muthoga (Kenya) and Aydin Akay (Turkey) found Gatete guilty of genocide and extermination as a crime against humanity. The accused had been charged with six counts: genocide, or, in the alternative, complicity in genocide, conspiracy to commit genocide, and the crimes against humanity of extermination, murder and rape.

The Chamber found that, pursuant to Gatete's orders, Interahamwe killed Tutsi civilians in Rwankuba sector. Moreover, soldiers, policemen and Hutu civilians who participated in the killings were also recruited on Gatete's instructions. It also concluded that Gatete issued express orders to kill Tutsi refugees in a coordinated attack at Kiziguro parish, resulting in the killings of hundreds, if not thousands, of Tutsi civilians by soldiers, Interahamwe and civilian militia.

Further, the Trial Chamber found that at Mukarange parish, Gatete participated in a second coordinated attack where hundreds, if not thousands, of Tutsi civilians were killed. He also delivered weapons that were ultimately a decisive factor in the success of the assault.

The accused was arrested on 11 September 2002 in the Democratic Republic of the Congo. On 20 September 2002, during his initial appearance, he pleaded not guilty to the previous ten counts contained in the first indictment. His trial began on 20 October 2009 and closed on 29 March 2010. The Prosecution called 22 witnesses, while the Defence presented 27. Closing Arguments were heard on 8 November 2010.

The Prosecution team was led by Senior Trial Attorneys Richard Karegyesa (Uganda), and Drew White (Canada) and included Adelaide Whest, Didace Nyirinkwaya and Yasmine Chubin. Gatete was represented by Maître Marie-Pierre Poulain (France) and Kate Gibson (Australia).

#### • Appeals Chamber Hears Oral Arguments in the Munyakazi Case



The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Patrick Robinson, presiding, Judge Mehmet Güney, Judge Liu Daqun, Judge Andrésia Vaz, and Judge Carmel Agius, on 29 March 2011 heard oral arguments in the appeals

filed by Yussuf Munyakazi and the Prosecution against the judgement pronounced by Trial Chamber I on 30 June 2010 and filed in writing on 5 July 2010.

The Trial Chamber convicted Munyakazi of genocide and extermination as a crime against humanity based on his role in the killings of Tutsis at Shanghi and Mibilizi parishes on 29 and 30 April 1994, respectively, and sentenced him to 25 years of imprisonment.

Munyakazi contends that the Trial Chamber committed a number of errors of fact and law and requests the Appeals Chamber to overturn his conviction or, in the

alternative, to reduce his sentence. The Prosecution requests that the Appeals Chamber enter a conviction for committing genocide and extermination as a crime against humanity in relation to the events at Nyamasheke parish on 16 April 1994 and for participating in a joint criminal enterprise. It also requests the Appeals Chamber to increase Munyakazi's sentence to life imprisonment.

Munyakazi was born in 1936 in Rwamatamu Commune, Kibuye Prefecture, Rwanda. In 1994, he lived in Bugarama Commune, Cyangugu Prefecture where he was a landowner and farmer. He was arrested on 5 May 2004 in the Democratic Republic of Congo and was transferred to the UN Detention Facility on 7 May 2004. In his initial appearance on 12 May 2004, Munyakazi pleaded not guilty to all charges.

### ICTR Registrar's Activities

In March 2011, the Registrar of the ICTR, Mr. Adama Dieng, undertook three missions to New York, Geneva and Paris, respectively.

#### • New York

##### **First Resource Group Meeting on the establishment of the International Tribunals Residual Mechanism**

The Registrars of ICTR and ICTY attended the first meeting of the Resource Group on the International Tribunals Residual Mechanism (RM) in New York on 17 March 2011, under the auspices and coordination of the Office of Legal Affairs (OLA). This high-level meeting involved representatives of various Secretariat Departments, including Archives, Premises, Safety and Security, and Management, in particular the Controller's Office and the Office of Human Resources Management.

The Tribunals and Headquarters Departments expressed a general understanding of and commitment to the RM activities. The Registrars seized this occasion to flag a number of issues, especially concerning budgetary and human resources aspects of the RM which required further clarification from New York to enable the Tribunals to continue the preparation of the RM.

##### **Meeting with Ambassador Jose Felipe Moraes Cabral, Chair of the Informal Working Group on International Tribunals (IWGIT)**

Mr. Dieng and the Registrar of ICTY, Mr. John Hocking, met with the Permanent Representative of the Mission of Portugal to the United Nations, Ambassador Jose Felipe Moraes Cabral, Chair of Informal Working Group on International Tribunals (IWGIT) and discussed the conclusion of the Tribunals' remaining work and the preparation of the RM.

The Registrars provided a briefing on the progress of the development of the RM archives policies, the lifting of witness protection orders and the preparation of the handover of protected witness files to the RM.



Ambassador Cabral expects a great deal of cooperation by the Tribunals for the prompt conclusion of the outstanding proceedings and urged the Tribunals to meet their respective judicial calendars. The Ambassador also called for complete commitment to the established milestones for the successful commencement of the RM.

### Fundraising for the ICTR Clinic for Witnesses Living with HIV/AIDS

The Registrar took the opportunity of a dinner at the Lions Club International to discuss the dire circumstances facing the ICTR Clinic for Witnesses Living with HIV/AIDS unless appropriate funding is promptly received. It is hoped that a support from the Lions Club will guarantee the continued medical and psychological support of witnesses living with HIV/AIDS for an additional period of two years.

The Kigali-based Clinic provides fundamental support for ICTR confirmed and potential witnesses suffering from HIV/AIDS, many of whom have also been victims of gender-based violence. The Clinic has thus far provided HIV/AIDS counselling, testing and treatment to 865 witnesses. In the past, this project has received voluntary donations from some Member States. However, these funds have been depleted. Without an immediate injection of financial resources, the Clinic will be forced to halt the provision of life-saving treatments and shatter the hopes of women and men dependent on this support.

### • Geneva



The Registrar paid a courtesy call on Ms. Navi Pillay, UN High Commissioner for Human Rights and former President of the ICTR on 21 March 2011. The Registrar and the High Commissioner had a fruitful discussion about the cooperation between the regional offices of

the OHCHR in Africa and ICTR and looked at ways to maximize the benefits of such cooperation. The Registrar extended an invitation to the High Commissioner to visit the ICTR in Arusha in the context of her mission to Nairobi. He also suggested that an Expert Meeting be jointly organised on the theme: "International Criminal Justice and Human Rights".

The Registrar met with Ms. Erika Feller, the Assistant High Commissioner for Protection in Geneva on 21 March 2011 and wrapped up the discussions of the upcoming ICTR-UNHCR Expert Meeting on Complementarities between Refugee Law, International Criminal Law and International Human Rights Law, which will be held in Arusha from 11 to 13 April 2011.

### • Paris

In Paris, the Registrar met with Mr. Hugo Sada, Head of Peace, Democracy and Human Rights Division at the *Organisation internationale de la Francophonie* (OIF) on 22 March 2011. The Registrar thanked OIF for its support to the work of the ICTR and further emphasized the possibility of OIF assistance to francophone countries on international justice through training and capacity building. While in Paris, the Registrar also met with Professor. Alpha Conde, President of the Republic of Guinea. President Conde reaffirmed his commitment to build a strong and efficient Judicial System in Guinea. In this regard, he extended an invitation to the ICTR to assist them by providing technical expertise and training members of the Judiciary.

### Sir Dennis Byron to Head the Caribbean Court of Justice, MEDIA RELEASE No. 02:2011 15 March 2011

*Port of Spain, Trinidad and Tobago, CCJ – At the recently concluded Heads of Government meeting in St. Georges, Grenada, the Caribbean Community Heads of Government accepted to the recommendation of the Regional and Judicial Legal Services Commission (RJLSC) that the Right Honourable Sir Charles Michael Dennis Byron be appointed as the successor to the Right Honourable Michael de la Bastide T.C., President of the Caribbean Court of Justice (CCJ), who is due to retire on August 18, 2011.*



Sir Dennis Byron's present assignment is as President of the United Nations International Criminal Tribunal for Rwanda (ICTR). The actual date of his assumption of office at the CCJ will be announced in due course.

Sir Dennis, who is a native of St. Kitts and Nevis, boasts a judicial career with a solid foundation. Born in Basseterre in 1943, Sir Dennis won the Leeward Islands Scholarship in 1960 and went on to read law at Fitzwilliam College, Cambridge University from which he graduated with an M.A. and LL.B. After 16 years of private practice in the Eastern Caribbean, he went on to serve as High Court Judge, Justice of Appeal and then Chief Justice of the Eastern Caribbean Supreme Court. While there, Sir Dennis led the Eastern Caribbean Supreme Court Judicial Reform Programme, which included the establishment of a Code of Ethics for Judges, the implementation of new Civil Procedure Rules and the establishment of a Judicial Education Institute, among other achievements. His special interest in judicial education activities has led to his appointment as President of the Commonwealth Judicial Education Institute (CJEI), a position which he has held since the year 2000.

In 2000, Sir Dennis Byron was knighted by Queen Elizabeth II and he was appointed a member of Her Majesty's Privy Council in 2004.



As the current President of the ICTR, Sir Dennis Byron is responsible for the overall management of the Court and the implementation of ICTR strategic policies, through liaison with Member States and the United Nations Security Council. While at ICTR, Mr. Justice Byron has sat on seven trial benches and served on a number of pre-trial benches.

Sir Dennis Byron has written many articles and publications and also holds the first Yogis and Keddy Chair in Human Rights Law at Dalhousie University Nova Scotia, Canada.

The Regional Judicial and Legal Services Commission and the Caribbean Court of Justice jointly congratulate Sir Dennis Byron on his appointment as President of the CCJ and pledge their support in making his tenure a productive and successful term of office.

### OTP Planning and Coordination Retreat

At the light of Security Council Resolution 1966 of December 2010 that calls on the ICTR to finalize its completion strategy and establish a functioning Residual Mechanism by 1 July 2012, the Office of the Prosecutor (OTP) held a Planning and Coordination Retreat from Friday, 11 to Sunday, 13 March 2011 at the Ngorongoro Farm House. This was the 5<sup>th</sup> in a series of such retreats organized by the OTP in recent years. Arusha (2004), Amboseli (2004) Ngurdoto (2006) and Amboseli II (2006) preceded the gathering at Ngorongoro.



*Participants at the retreat*

In the environment of the Valley of Manyara, 30 participants from key relevant Units, Sections and Divisions of OTP came together and comprehensively reviewed the current OTP's workload and strategic framework and developed an action-oriented strategy for a smooth transition to the Residual Mechanism and a full implementation of SC Resolution 1966. The last day of the retreat was marked by the presence of the Honorable Justice Vagn Joensen who addressed the meeting on behalf of the President of ICTR.

In his opening statement, Justice Hassan Bubacar Jallow stressed that the Strategic Review Retreat was intended to focus on the final phase of the Completion Strategy and the transition to the Residual Mechanism. He added: "The previous retreats were all important milestones in this respect particularly in determining our workload, reviewing and revising our indictment policy and adopting new prosecutorial strategies in the wake of the adoption of UN Security Council Resolution 1503(2003) on the Completion Strategy. Today with the adoption of UN Security Council

Resolution 1966 of 22 December 2010 establishing the International Residual Mechanism for both the ICTR and ICTY and the decision of the Security Council to bring into operation the ICTR branch of the mechanism on 1 July 2012, the ICTR stands yet again at another important crossroads in the execution of its mandate. ... we face the challenges of ensuring a timely and efficient completion of the current ICTR workload, of ensuring a smooth transition to the Residual Mechanism and of laying the ground for an efficient, effective start of the ICTR Branch of the Mechanism on 1 July 2012. We need to devise and implement effective strategies to successfully manage this challenging process. That is the principal objective of this OTP Strategic Review."

During three days the Participants discussed issues related to ICTR specific transitions arrangements to the Residual Mechanism, financial issues, staff resources and archives security matters, conclusion of trials as well as the management of R11 *bis* and R71 *bis* proceedings within the timeframe of the Completion Strategy. As a final document, the participants adopted the OTP PLANNING AND COORDINATION ACTION PLAN TOWARDS THE RESIDUAL MECHANISM (NGORONGORO ACTION PLAN).

The retreat was instrumental in assuring that, as a part of the ICTR, OTP adheres to the ICTR global strategy, recommending well-conceived programs or solutions to problems, and providing information and/or responding to questions.



*Mr. Brammertz (left) with Justice Jallow*

It was also a brainstorming session for the OTP-ICTY/OTP-ICTR Residual Mechanism Coordination Meeting that took place in Arusha on 18 March 2011 which was attended by Mr. Serge Brammertz, USG and Prosecutor for the UN-ICTY and his entourage

### Staff Counselling & Welfare Unit

Staff Counselling & Welfare Unit, once again jointly with the Welfare Committee celebrated the Centenary of International Women's Day.

A "Hall of Fame" featuring photos of women working at the ICTR in different capacities, ranging from the cleaners to the judges, paintings, carvings and statues celebrating the achievements of women in their different roles was created in the lobby of the main entrance to honour all women working at the ICTR.

The two-day celebrations held on 8 and 12 March respectively, celebrated the achievements of women from all walks of life, cultures and backgrounds under the theme: "Equal Access to Education, Training,



*Science and Technology: Pathway to Decent Work for Women”.*

The main event was a formal dinner held at Mount Meru Hotel on 8 March, attended by the Tribunal’s Principals, ICTR staff and members of the East African Community (EAC). The Prosecutor opened the evening with a few remarks and the Registrar delivered the Secretary-General’s Message for International Women’s Day. A debate on the theme “*International Women’s Day Celebration is a farce and has done little to advance the cause*” thrilled the audience as debaters for the motion, Roland Adjovi (Arcadia University) and Inge Onsea (ICTR) battled it out with Veronica Wright (ICTR) and Anthony Kafumbe (EAC) who spoke against the motion. The moderator was Mr. Bongani Majola, ICTR Deputy Prosecutor.



Justice Jallow



Mr. Dieng



(l-r) Inge Onsea, Roland Adjovi, Bongani Majola, Anthony Kafumbe & Veronica Wright

Poems by Ayodeji Fadugba and Yann Nene-Bi, a skit by Monica Odede, Kibwana Hamadi and Beatrice Akatch together with an awesome performance of the sounds of the very famous Bob Marley by Judge and Mrs. Byron made the evening a memorable one. And this was not all; awards were presented to students from secondary schools in Arusha who had participated and excelled in the Essay Competition organized by the IWD Committee. The winners, who



Sir & Lady Byron



The winning students

wrote on the essay topic “My Heroine” were Fatema Dossajee from Sinoni Secondary School who won the first prize of a 100,000 TSH voucher redeemable at Book Point; Belinda Mwitah from Kaloleni Secondary School and Emiliana Focas received second and third prizes of 80,000 TSH and 60,000 TSH vouchers respectively. In addition to the vouchers from Book Point all winners received vouchers from the newly opened Fashion Institute of Drafting and Design (FIDD) in Arusha, to participate in a Fashion Design Workshop on 2 April 2011.



The two teams: ICTR Gazelles & Arusha Spouses' Association

General Tyre grounds to watch the ICTR women’s football team take on the Arusha Spouses Association women’s team. The riveting game ended with a penalty kick session and the Arusha Spouses Association team won 4 to 3, taking the coveted trophy. Afterwards, a basketball game was played for the first time ever at an ICTR event. Two teams that included both male and female players faced off on the court and the score was very close. Team “A” won 33 to 28. What an exciting day that was!

Staff Counselling & Welfare Unit would like to thank all staff members and the Welfare Committee for their support in making the programmes, events and activities a success as well as the ICTR leadership for their contributions and participation in the celebrations.

Thank you for celebrating with us!

• **ICTR Fitness Center**



The new Aerobic floor and the second ladies shower has been built and handed over few days ago. Now you do not have any excuse to keep healthy with the

More photos on the last page



amazing aerobic classes conducted by Revo and Santa. You can also enjoy the Taichi lessons by Antoine. Yoga classes will be taking place soon. For more information, please contact the Staff Counselling & Welfare Unit.

### **ICTR Staff Attend the American Society of International Law (ASIL) Annual Meeting in Washington, DC**

Staff members from Chambers and the Office of the Prosecutor (OTP) attended the American Society of International Law (ASIL) Annual Meeting, as part of their ongoing continuing legal education. The event was held from 23-26 March 2011 at the Ritz Carlton in Washington, DC, USA. The ASIL Annual Meeting is one of the most important gatherings in the field of international law and over 1,000 practitioners, academics, and students travel from all over the world to debate and discuss the latest developments in their field.

The title of this year's meeting was "Harmony and Dissonance in International Law" and featured sessions on judicial selection in International Courts and Tribunals; Process, Standards, and Lessons Learned from Commissions of Inquiry; The Role of International Tribunals in Managing Coherence and Diversity in International Law; and a conversation with Nancy Combs, who has written a recently published book on fact-finding in international criminal law. There were also opportunities to interact and meet colleagues at other Tribunals and others interested in international criminal law.



*(l-r) Amanda Grafstrom, Hillary Forden (former ALO in Chambers), Joseph Stefanelli, Emma Walker, Ojoyemi Aneke, and Michael Brazao*

The staff members who attended the conference report that it was beneficial to their staff development and useful for their work at the Tribunal. The Continuing Legal Education (CLE) committee in Chambers section initiated the process for receiving the special approval required for attendance at this conference as part of its continuing relationship with ASIL, who helped organize a retreat for Chambers legal staff in October 2010 here in Arusha. Chamber s staff who attended the conference were (listed alphabetically): Ojoyemi Aneke, Michael Brazao,

Amanda Grafstrom, William Paterson, Andrés Pérez, Joseph Stefanelli, and Emma Walker. OTP staff members who attended were Yasmine Chubin and Zahida Virani.

### **ICTR Interns' Corner**

- **A Question of Security** by *Yetunde Ogunlewe, Intern*

#### **The importance of the human security framework as a policy making tool in the aftermath of Rwanda.**

Human security as a theory is the answer to a multi layered question which not only refers to a scientific or political study, but also an ideal. The discipline's people centered approach remains relevant to confronting a post-genocide Rwanda's because its multi dimensional framework focuses mainly on the individual, which in turn creates a cycle of interdependence that impacts on the community as a whole.

Underlying much of the human security literature is the common belief that as a concept it remains critical to international security. It serves as a methodological rupture to the premise of international security.

As a belief it requires both schools of thought to broaden their understanding of security from that of the state to include that of the people. (**Shahrbano, Cheney: 40**).

To summarize as a discipline, human security proposes a framework which places individuals (plural or otherwise) at the centre of *both* analysis and the action. Not only the international community but the layman ought to understand the practical application of Human Security hypothesis as a political tool.

There is the accusation that human security focuses excessively on the individual, and ignores the claims of collective and non human referent objects, because human nature tends to automatically focus on the community, and group membership is an intrinsic part of human life and identity. Academics allege that human security as a discipline drives towards a reductionist understanding of international security. In addition, while a moral case can be made for making individual the centre point of policy; the cost is a loss of analytical purchases on collective actors both as the main agents of security provision. This is given credibility by the dearth of empirical evidence supporting the correlation stated by human security of underdevelopment and subsequent violations.

Yet human security's multi dimensional approach responds to realities of every day existence, by trying to bridge the gap between theory and empiricism. As a framework it encourages local experimentation and learning from failure. It seems to acknowledge the fact that a lack of appreciation of the role of context in policy advice often incurs disappointing result (**Fagerberg 4**).





The intersectoral aspect might have left it open to accusations of broadness and vagueness and non-scientific, but one of the principal components of critical rationalist methodology is that it works best in an individual centered approach. Methodological individualism is the stipulation that all social behaviour and all social institutions can be explained by reference to the behaviour of individuals in specific situations (**Tellis: 7**).

Such an approach requires exploring relationships and causalities between threats and looking at how interventions in one sphere can actually have externalities, both positive and negative.

Group identities and inter-group relationships will need to be further systematically examined as both a root of conflict, and a possible element of reconciliation. (**King: 3**)

However behavioural policies are generally difficult to assess since attitudes often have to be adjusted. Implementation of the human security concept can never be a perfect process due to the existence of variables which are not in control of the acting governmental bodies. Instead the policy is strongly influenced by the attitudes and behaviours of the actors, making the procedure itself dynamic and shifting.

## **WOMEN's Day - Revealing The Boy in the Man**

You should have seen staff pausing in admiration at the photo gallery showcasing the women of ICTR all through March. When it was time to store the collection in the archives, there were loud appeals for them to be compiled into a brochure for any who wish to take a walk down ICTR memory lane, after we say "*kwaheri*" to beautiful Tanzania. With the Completion Strategy looming over us, every social event has taken on an emotional dimension that was hitherto unheard of.

Sera Attika, Chairperson of Women's Day and her organizing committee worked hard for a memorable event. While some were impressed by the essay competition with Dr. Elizabeth Blackwell as the most admired woman, others could not forget what was dubbed "The Revenge" put forward by Arusha Spouses' Association in the hotly contested return football match against the ICTR Gazelles, after losing the first encounter on the Family Sports & Fun Day. The competition was so hot that the sports commentator was threatened he would be locked out of the house for alleged partiality in his reporting a match in which his wife was a player! Fortunately he was saved when the tables turned after a last minute

goal that ended in the penalty shoot-out which saw ASA women beaming in an atmosphere reminiscent of the Fifa World 2010 song, **Waka waka**, supposedly plagiarized by Colombian-born singer Shakira, from Zangalewa by the Golden sounds band of Cameroon.

Activities culminated in the dinner-debate at the newly refurbished Mt Meru Hotel which has further embellished the already picturesque Arusha landscape. Speakers treated the audience to tough material as each side tried to establish the rationale behind celebrating Women's day. Farce or reality? The debate continued over dinner as participants took up the pros and cons of the topic. It was only stopped by the beauty of Maya Angelou's **Phenomenal Woman**, delivered by Ayodeji Fadugba. When the MC announced the surprise of the evening featuring a guest artiste all the way from the Caribbean to sing in honor of women, expectations soared. You could hear a pin drop. So, when Sir Denis Charles Byron walked his lady to the microphone, the audience erupted into a salvo of applause. By the time the formidable duo completed "*No Woman, No Cry*," the crowd was clamoring for an encore. Under TV cameras and flashing mobile phones by dozens of staff turned paparazzi as they tried to get a picture of their boss who had become a celebrity, like seasoned band members, the ICTR President and his wife mobilized the crowd to tell the women, "*Get Up! Stand up!...*" The performance, which brought down the house, prompted many to start thinking of a career in music, as part of their completion strategy, especially in these days of uncertainty. "*This guy must have missed his vocation in life ...*" some whispered.

Of a truth, 8 March 2011 at ICTR was memorable. If some forget that evening, staff counsellor Francesca Crabu will not, as it was her swansong event, after a few others that raised funds for the ICTR gym. It was an occasion to celebrate the exuberance, devotion and energy women pump into life as a whole, and without which the world would definitely grind to a halt. While that could be a dinner-debate topic next time, this time the women did not only arouse the creative genius in Emmanuel Ntoko who transformed the classic happy birthday song into a surprise love poem for his wife, Vivian, but also brought out the boy in the man. There is certainly a chasm between the boy in faded jeans, sleeveless shirt revealing tattooed arms, twisting and turning around a microphone on stage and the sober and grey haired sage, draped in a black robe in court delivering judgements in the fight against impunity. The secret of juggling both careers in one life is a secret only one person is privy to.

**Over to you, Mr President!**

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Photos of the International Women's Day on P. 10



## Photographic Overview of the International Women's Day Celebrations



