



ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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Tribunal Transfers Two Accused to France for Trial

On 20 November, a Trial Chamber at the International Criminal Tribunal for Rwanda (ICTR) granted the request of the ICTR Prosecutor to transfer the cases of Laurent Bucyibaruta and Wenceslas Munyeshyaka to France for trial.

The two accused were arrested in France in July. On 21 November, Judge Dennis Byron, President of the Tribunal, issued an order revoking a previous ICTR court order for France to transfer the arrested fugitives to Arusha.

Munyeshyaka was a Catholic priest in Kigali during the 1994 genocide. He is charged with genocide and with rape, extermination and murder as crimes against humanity.

Bucyibaruta was prefect of the Gikongoro prefecture during the 1994 genocide. He is charged with direct and public incitement to commit genocide,

genocide or alternatively complicity in genocide, and with extermination, murder and rape as crimes against humanity.

The Prosecutor submitted the transfer applications on 12 June under the Tribunal's Rule 11 bis which allows for the transfer of ICTR indictees to national jurisdictions for trial. The transfers are part of the Tribunal's Completion Strategy which calls for all trials to be completed by the end of 2008 and all appeals by 2010 when the ICTR will close.

The Trial Chamber referral bench was comprised of Judge Inés Monica Weinberg de Roca, presiding, Judge Lee Gacuiga Muthoga and Judge Robert Fremr.

ICTR Delegation Attends Commonwealth Summit

The ICTR in late November sent to Kampala, Uganda a high ranking delegation led by the President of the Tribunal Judge Sir Charles Michael Dennis Byron to participate in the Commonwealth Heads of Government Meeting (Chogm).



Mr. Amoussouga, Mr. Sy & President Byron at the Press Conference
Photo Credit: Hirondelle

The delegation's main thrust was to use the Summit which brought together more than 3000 delegates and visitors from the 53 member states to raise awareness on the work and activities of the Tribunal.

Other members of the delegation which was in Kampala from 18 to 26 November 2007 were Mr. Roland

Amoussouga, Chief of External Relations and Strategic Planning, Mr. Bocar Sy, Head of Communication Cluster, Mr. Danford Mpumilwa, Associate Information Officer and Ms. Rachida Draguendoul, External



UN Resident Coordinator Mr. Theophane Nikyema (centre), Mr. Simon Omoding, UNDP and members of the ICTR Delegation from left to right, Mr. Amoussouga, Ms. Draguendoul, Mr. Sy and Mr. Mpumilwa

Relations Assistant.

Apart from meeting senior statesmen from the Commonwealth member states the delegation took part in an exhibition at the Peoples Forum space at Hotel Africana. This was followed by two well attended Press Conferences at the hotel and at the Media Centre.

During the week the ICTR also organised a two-day exhibition at the Makerere University College main campus. The exhibition was followed by a Public Lecture at the Uganda Law Development Centre which was attended by about 300 students and members of staff.

After the Public Lecture there was a question and answer session. Later the Centre and the Tribunal officials held discussions during which they explored ways of co-operation between the two institutions. The Centre brings together post graduate law students from several African countries including Uganda, Kenya, Tanzania, Rwanda, Burundi, Congo, Sudan and Somalia.

Before departure the delegation held talks with the UN Resident Coordinator in Uganda Mr. Theophane Nikyema and his senior officials and explored ways of further co-operation between the two offices.

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ICTR Judicial Activities

- **La Chambre d'appel réduit les peines d'emprisonnement de Nahimana, Barayagwiza et Ngeze**

La Chambre d'appel du Tribunal pénal international pour le Rwanda a confirmé le 28 novembre 2007 une partie des déclarations de culpabilité de Ferdinand Nahimana et Jean-Bosco Barayagwiza pour leur rôle au sein de la Radio Télévision Libre des Mille Collines (RTLM), et Hassan Ngeze pour son rôle dans la publication du journal Kangura. Par ailleurs l'implication de Jean-Bosco Barayagwiza dans la Coalition pour la défense de la République (CDR) a été confirmée ainsi que le rôle de Hassan Ngeze dans les événements qui ont endeuillé la préfecture de Gisenyi.

Tous trois avaient été condamnés par la Chambre de première instance pour entente en vue de commettre le génocide, génocide, incitation directe et publique à commettre le génocide, et persécutions et extermination constitutives de crimes contre l'humanité.

La Chambre d'appel composée des Juges Fausto Pocar, Président, Mohamed Shahabuddeen, Mehmet Güney, Andréia Vaz et Theodor Meron a confirmé que certaines émissions de la RTLM postérieures au 6 avril 1994 ont directement appelé au génocide contre les Tutsis et qu'elles ont substantiellement contribué à la commission d'une multitude de meurtres de Tutsis. En outre, la Chambre d'appel a déterminé que les émissions de la RTLM postérieures au 6 avril 1994 constituaient des actes de persécution à l'encontre de la population tutsie.

Pour Nahimana la Chambre d'appel a conclu à sa responsabilité pour les crimes d'incitation directe et publique à commettre le génocide et de persécution constitutive de crime contre l'humanité, pour n'avoir pas prévenu ou puni la diffusion de propos criminels par ses subordonnés à la RTLM. En raison de l'annulation de certaines déclarations de culpabilité prononcées à l'encontre de Nahimana, la Chambre d'appel a réduit la peine d'emprisonnement à vie à une peine de 30 ans.

S'agissant de Barayagwiza, la Chambre d'appel a confirmé qu'il avait supervisé des barrages tenus par des militants de la CDR et des Impuzamugambi où étaient tués des Tutsis, et qu'il avait distribué des armes qui ont ensuite été utilisées pour massacrer des Tutsis. En conséquence, la Chambre d'appel a maintenu les déclarations de culpabilité pour les crimes de génocide, d'extermination et de persécution constitutives de crimes contre l'humanité. En raison de l'annulation de certaines déclarations de culpabilité la peine d'emprisonnement de 35 ans de Barayagwiza a été réduite à 32 ans.

Hassan Ngeze a vu ses déclarations de culpabilité confirmées pour avoir aidé et encouragé le génocide dans la préfecture de Gisenyi pour avoir incité directement et publiquement à la commission du génocide dans des articles et éditoriaux parus dans son journal Kangura en 1994 et pour avoir aidé et encouragé l'extermination constitutive de crime contre l'humanité dans la préfecture de Gisenyi. En raison de l'annulation de certaines déclarations de culpabilité la peine d'emprisonnement à vie

de Ngeze a été réduite à 35 ans.

- **Appeals Chamber Confirms Aloys Simba's Conviction and Sentence**



The Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR) today confirmed the convictions of Aloys Simba for genocide and extermination as a crime against humanity, as well as his sentence of twenty-five (25) years' imprisonment. Simba was convicted by Trial Chamber I on 13 December 2005 for his participation in a

joint criminal enterprise to kill Tutsi at Murambi Technical School and Kaduha Parish, in the prefecture of Gikongoro, on 21 April 1994.

The Appeals Chamber composed of Judges Fausto Pocar, presiding, Mehmet Güney, Liu Daqun, Theodor Meron and Wolfgang Schomburg, dismissed Simba's appeal against his convictions and sentence. The Appeals Chamber also dismissed the Prosecution's appeal against Simba's acquittal for the massacres at Cyanika Parish and against the sentence of 25 years of imprisonment imposed by the Trial Chamber.

Aloys Simba, a retired lieutenant colonel of the Rwandan army, was a member of the "Comrades of the Fifth of July", who participated in the coup d'état that brought former President Juvénal Habyarimana to power in 1973. From 1989 to 1993 he was a member of the Rwandan parliament. He was arrested in Senegal, on 27 November 2001. His trial commenced on 30 August 2004. His appeal, together with that of the Prosecution, was heard in Arusha on 22 May 2007.

Aloys Simba is to remain in the ICTR's Detention Facility pending his transfer to the country in which he will serve his sentence. He will be given credit for time served in the Tribunal's custody since the date of his arrest.

- **Rugambarara Sentenced to Eleven Years in Prison**



On 16 November 2007 Trial Chamber II sentenced Juvenal Rugambarara, the former Mayor of Bicumbi commune in Kigali-Rural Prefecture, to 11 years in prison on his own plea of guilty to a single count of extermination as a crime against humanity.

Delivering its verdict, the Trial Chamber composed of Judges Asoka de Silva, presiding, Taghrid Hikmet and Seon Ki Park said the sentence shall run as of the date of the judgement and that Rugambarara was entitled to credit for the time he spent in detention since his arrest on 11 August 2003.

The Trial Chamber explained that it had taken into consideration the aggravating and mitigating circumstances in reaching the verdict. The aggravating factors include the

magnitude of the deaths of Tutsi civilians in Bicumbi commune as a result of the crime for which Rugambarara had pleaded guilty to. The mitigating factors include remorse evinced by the accused and his public expression of regret which the Chamber described as sincere.

The Trial Chamber also noted that Rugambarara's admission of guilty prior to commencement of trial relieved the victims of the need to revisit their traumatic experiences, apart from facilitating the efficient administration of justice and saving the Tribunal's resources. Also noted was Rugambarara's assistance of Tutsi refugees, as per the testimony of five witnesses, his good character before the 1994 genocide and his good behaviour during his detention.

On 13 July 2007, the accused entered the guilty plea following two years of negotiations with the Office of the Prosecutor, leading to an agreement on 13 June 2007 in which the Prosecutor agreed to withdraw eight of the original nine counts confirmed against the accused. He was then found guilty of extermination because he failed, in his capacity as Mayor, to take necessary and reasonable measures to commission an investigation into the crimes committed in the commune and for the apprehension and punishment of the perpetrators.

Rugambarara was arrested in Uganda on 11 August 2003 and transferred to the Tribunal on 13 August 2003. He made his initial appearance before the Trial Chamber on 15 August 2003 and pleaded not guilty to all nine counts charging him with genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, three counts of crimes against humanity (extermination, torture, rape) and two counts of serious violations of Article 3 common to the Geneva Conventions and to Additional Protocol II.

The Accused was born in 1959 in Bumba secteur, Tare commune, Kigali-Rural Prefecture. He lived most of his adult life in Bicumbi commune where he worked as a medical officer. He was appointed Mayor of Bicumbi commune on 4 August 1993 and served from 16 September 1993 until 20 April 1994.

The Prosecution team was led by Charles Adeogun-Phillips (Nigeria/UK) who led the negotiations in two previous guilty pleas. The Accused is represented by a defence team led by Mr. Maroufa Diabira (Mauritania).

• Defence Closes Case in Bikindi Trial



On 7 November 2007, the Defence closed its case in the trial of Simon BIKINDI, a famous Rwandan singer. Closing arguments of the Prosecution and Defence will be heard at a later date.

Bikindi is charged with Conspiracy to commit genocide (Count 1), Genocide (Count 2) or alternatively Complicity in genocide (Count 3), Direct and public incitement to commit genocide (Count 4), Murder as a Crime against humanity (Count 5) and Persecution as a Crime Against humanity (Count 6).

During the trial the Chamber heard twenty (20) Prosecution witnesses and thirty seven (37) Defence witnesses, including the Accused, over sixty one (61) trial days.

The trial began on 18 September 2006 before Trial Chamber III composed of Judges Inés Mónica Weinberg de Roca, presiding, Florence Rita Arrey and Robert Fremr.

Simon Bikindi is represented by Andreas O'Shea, from England, and Jean de Dieu Momo, from Cameroon. Headed by William Egbe, the Prosecution team includes Peter Tafah, Veronic Wright, Sulaiman Khan, Disengi Mugeyo and Amina Ibrahim.

• Hategekimana Pleads Not Guilty to Amended Indictment

Idelphonse Hategekimana, Lieutenant and former Commander of the Ngoma Camp in Butare prefecture, on 9 November 2007 pleaded not guilty to four counts of an amended indictment during a further appearance before Trial Chamber III. The new



indictment charges Hategekimana with genocide, complicity in genocide, and crimes against humanity for murder and rape.

Earlier, on 28 February 2003, Hategekimana had pleaded not guilty to five counts charging him with genocide, or, alternatively, complicity in genocide; direct and public incitement to commit genocide; and crimes against humanity for rape and other inhumane acts.

The accused entered the plea before Judges Rachida Khalid Khan, presiding, Lee Gacugia Muthoga and Emile Francis Short.

Hategekimana was in the original indictment jointly charged with Tharcise Muvunyi and Idelphonse Nizeyimana. On 11 December 2003, the Prosecution was granted leave to sever Muvunyi from the original indictment and ordered to file a separate indictment against him. Muvunyi was subsequently tried and convicted while Nizeyimana is still at large. The Prosecution on 23 September 2007 was again granted a request to sever the cases of the remaining co-Accused and then ordered to amend the indictment against Hategekimana.

In the indictment, Hategekimana, in his position as Commander of Ngoma Camp, is alleged to have ordered, transported, and led soldiers and militiamen to carry out, among others, attacks against Tutsi civilians, including street-by-street killings in the Muslim quarters of Ngoma and attacks at a convent and at the Groupe Scolaire where orphans were gathered.

The accused is also said to have watched an attack at the Matyazo Dispensary while preventing his soldiers from intervening to stop it. In addition, Hategekimana is accused of conducting sensitization meetings to incite massacres and deploying soldiers to roadblocks



to stop Tutsi civilians and bring them to Ngoma Camp to be killed. He is also alleged to have failed to take measures to prevent, or to put an end to widespread rape of girls and women in Butare prefecture.

Hategikimana was arrested on 16 February 2003 in Congo Brazzaville, and was transferred to the UN Detention Facility in Arusha on 19 February. Counsel Ahlonko Robert Dovi (Togo) is representing the accused.

ICTR Hosts Legacy Symposium

The International Criminal Tribunal for Rwanda (ICTR), in collaboration with Brandeis University and the East African Law Society, held a symposium on The Legacy of International Criminal Courts and Tribunals for Africa from 29 November to 1 December at the Arusha Hotel in Arusha, Tanzania. More than 200 participants attended the symposium.

In light of the approaching completion of the Tribunal's mandate, the symposium speakers and participants explored the impact of the Tribunal's work and the repercussions on the complementary fields of African and international law, as well as the potential of international jurisprudence to shape the future of global justice and the advancement of human rights.

Over a period of three days, the symposium systematically addressed the legacy that international justice institutions, and particularly the ICTR, will provide for the legal community in Africa and in other areas of the world. A panel of four or five legal scholars, ICTR legal officers, and international or national practitioners made the presentations in seven panels. Each of the panel presentations was followed by open discussion directed towards the formulation of ideas and initiatives intended to strengthen Africa's capacity to serve as a global centre of international law well past the expiration of the Tribunal's mandate.

The symposium topics were as follows:

- Session 1: Genocide, Crimes Against Humanity and War Crimes: Case Studies in Criminal Responsibility;
- Session 2: Freedom of Speech and Incitement to Criminal Activity: A Delicate Balance;
- Session 3: Sexual Violence Under International Law
- Session 4: Fairness of the Proceedings;
- Session 5: Outreach of International Justice: How Can the Work of an International Criminal Tribunal Foster the Rule of Law in National Jurisdictions;
- Session 6: Transfer of ICTR Jurisprudence to Rwanda and Beyond;
- Session 7: Africa and the Future of International Law.

The Honourable Judge Inés Weinberg de Roca opened the symposium on 29 November, and served as moderator of **Session I: Genocide, Crimes Against Humanity and War Crimes: Case Studies in Criminal Responsibility**. The panelists were Ms Cecile Aptel Williamson, Senior Fellow, International Center of Transitional Justice; Mr John Cerone, Director, Center for International Law & Policy, New England School of Law; Mr Len Blazeby, International Committee of the Red Cross; Dr Khoti Kamanga, Lecturer, Faculty of Law, University of Dar es Salaam, Tanzania; and

Mr Murtaza Jaffer, Policy Coordinator, Office of the Prosecutor, ICTR.



Judge Inés Weinberg de Roca addresses delegates at the opening of the symposium

Session II, Freedom of Speech and Incitement to Criminal Activity: A Delicate Balance, was moderated by Honourable Judge Lee Gacuiga Muthoga. The panelists were Honourable Judge Navanethem Pillay, Appeals Chamber of the International Criminal Court; Mr Stephen Rapp, Prosecutor for the Special Court of Sierra Leone and Former Chief of Prosecutions at the ICTR; Mr. Tom Kagwe, Senior Programme Officer, Kenya Human Rights Commission; and Mr Jean-Pierre Gatsinzi, Former Director, School of Journalism, National University of Rwanda.



Former President of the Tribunal, Judge Pillay, second from right and other delegates

Mr Murtaza Jaffer from the ICTR Office of the Prosecutor moderated **Session III, Sexual Violence Under International Law**, the opening session on the second day of the ICTR Legacy Symposium. The panelists were Professor Catharine Mac Kinnon, currently a visiting Professor of Law at Harvard University and an Elizabeth A Long Professor of Law at the University of Michigan Law School; Ms Suzanne Chenault, Senior Legal Officer, Chambers Support Section, ICTR; Ms. Elsie Efang-Mbella, Gender Adviser, ICTR; Professor Romauld Haule, from the Faculty of Law, St Augustine University, Tanzania; and Ms Bellancille Umukobwa, a representative of The Avega Genocide Widow's Group, Rwanda.

Sessions Four and Five were also held on Friday, 30 November. **Session IV, Fairness of the Proceedings**, moderated by Dr Aaron Karnell from the United States Agency for International Development, Tanzania, was composed of five panelists: Honourable Judge Mary Davis,

Former Justice of the Supreme Court, State of New York; Mr Peter Robinson, Defence Counsel, ICTR; Mr Iain Morley, Trial Attorney, Office of the Prosecutor, ICTR; Mr Mathew Carlson, Legal Officer, Chambers Support Section, ICTR; and Dr Ekuru Aukot, Executive Director, Kituo cha Sheria, Nairobi, Kenya.

The moderator of Session V, **Outreach of International Justice**: How Can the Work of an International Criminal Tribunal Foster the Rule of Law in National Jurisdictions, was Ms Clair Duffy, Judgement Coordinator, ICTR, and the panelists were: Mr Roland Amoussouga, Senior Legal Officer, Spokesperson and Chief of External Relations and Strategic Planning Section, ICTR; Ms Binta Mansaray, Deputy Registrar, Special Court for Sierra Leone; Ms Sara Darehshori, Senior Counsel, International Justice Program, Human Rights Watch; Professor Nigel Eltringham, University of Sussex, United Kingdom; and Mr Benoit Kaboyi, Representative of IBUKA Genocide Survivors Organization, Rwanda.

The final day of the symposium was dedicated to presentations and discussions about the **Transfer of ICTR Jurisprudence to Rwanda and Beyond (Session VI)** and **Africa and the Future of International Law (Session VII)**.

Moderated by Mr. Jamie Williamson, Regional Legal Advisor, International Committee of the Red Cross, Session VI was composed of panelists Ms Silvana Arbia, Chief of Prosecutions, ICTR; Mr Stephen Rapp, Prosecutor, Special Court for Sierra Leone and Former Chief of Prosecutions at the ICTR; Dr Yitha Simbeye, Lecturer, Faculty of Law, Open University of Tanzania and Consultant Legal Officer, International Refugee Rights Initiative, Kampala Uganda; and Mr Annees Ahmed, Assistant Prosecutor, United Nations Assistance to the Khymer Rouge Trials.

The concluding session of the ICTR Legacy Symposium was moderated by Dr Henry Kibet Mutai, Lecturer at the School of Law, Moi University, in Nairobi, Kenya. The panelists were: Justice Hassan B. Jallow, Prosecutor of the ICTR; Mr Donald Deya, President of the East African Law Society; and Mr Martin Ngoga, Prosecutor General, Republic of Rwanda. As in the earlier six sessions, presentations and discussion were intense and thought-provoking in the seventh session of the symposium.

The closing address was delivered by the Honourable Judge Sir Dennis Byron, President of the ICTR. He acknowledged that the symposium provided a unique opportunity for presenters and participants to exchange ideas and perspectives on how the legacy of international criminal tribunals can be incorporated into the national legal systems of Africa, as well as the importance of international tribunals for the future of international law. President Byron also expressed appreciation to all participants and panelists for their contributions to this first ICTR Legacy Symposium. He especially acknowledged Judge Navanethem Pillay, Appeals Chamber Judge of the International Criminal Court and former President and Judge of the ICTR; Mr Gerard Niyungeko, President of the African Court of Human and Peoples' Rights; Mr Moijo ole Keiwua, President of the East African Court of Justice; Martin Ngoga, Prosecutor General of Rwanda; and

Tharcisse Ntakiyica, President of the Burundi Bar Association.

The East African Law Society and the International Center for Ethics, Justice and Public Life of Brandeis University, represented by Dr Leigh Swigart and Mr Dan Koosed, partnered with the Tribunal to organize the symposium under the direction of Ms Suzanne Chenault, Senior Legal Officer in the Chambers Support Section of the ICTR and Chair of the Tribunal's Continuing Legal Education Programme. Mr. Tim Gallimore offered inspiration and support for the symposium.

The Honourable Judge Sir Dennis Byron, President of the ICTR, and the Honourable Judge of the ICTR Inés Weinberg de Roca, judicial adviser to the Continuing Legal Education Programme, provided continuous support and advice for this symposium. Several unsung heroines and heroes of the ICTR Chambers, Office of the Prosecutor and Registry worked together, alongside the ICTR Continuing Legal Education Committee to orchestrate this significant Tribunal-wide event, to which both members of the African legal community and all staff members of the ICTR were invited to participate.

The Planethood Foundation and the U.S. Agency for International Development of Tanzania provided financial support for several legal practitioners to attend the symposium from the neighboring countries of Kenya, Malawi, Uganda, Burundi, and Rwanda.

Interpol General Assembly adopts new measures to enhance effective global policing

From 5 to 8 November 2007 Mr. Adama Dieng, Registrar of the United Nations International Criminal Tribunal for Rwanda attended the 76th Interpol General Assembly in Marrakesh, Morocco . Mr Dieng was invited to address the participants on issues related to challenges the Tribunal is facing during its completion strategy specifically on matters dealing with accused persons still at large. The cases need the cooperation of Member States and strong support from Interpol. During the Summit the Delegates voted on a resolution creating an International Fugitive Investigations Contact Point to deal with search requests and promote international co-operation in locating and



Mr. Dieng Addresses the Members of the INTERPOL GA



apprehending fugitives including those wanted for genocide by the UN International Criminal Tribunal for Rwanda.

MARRAKESH – Delegates at INTERPOL's General Assembly have approved a series of measures aimed at furthering co-operation between law enforcement in member countries to help combat transnational crime and terrorism.

Police chiefs from around the world supported a number of recommendations at the four-day conference in Marrakesh, including the use of public appeals for assistance in child sex abuse investigations under extraordinary and exceptional circumstances.

Delegates also endorsed a resolution for each INTERPOL National Central Bureau to create an International Fugitive Investigations Contact Point to deal with search requests from other member countries and promote international co-operation in locating and apprehending fugitives, including those wanted for genocide by the International Criminal Tribunal for Rwanda.

'Finding and arresting wanted criminals is the bread and butter of police work around the world, which is why it is so important that our National Central Bureaus create a dedicated network of specialists to work together on fugitive investigations,' said INTERPOL President Jackie Selebi.

The General Assembly also approved the creation of a new Sub-Regional Bureau (SRB) in Yaoundé, Cameroon to serve the central African region. This makes a total of six SRBs – Yaoundé, Abidjan, Harare, Nairobi, Buenos Aires and San Salvador - with liaison offices in Bangkok and at the United Nations in New York.

Delegates endorsed the creation of a Vulnerable Targets Referral Centre at the INTERPOL General Secretariat to facilitate the exchange of technical assistance and best practice for the protection of potential targets for terrorist or other criminal attack. The resolution follows the United Nations General Assembly's Global Counter-Terrorism Strategy (September 2006) which invited INTERPOL to work with the UN on this issue.

A co-operation agreement with the International Commission on Missing Persons was also approved unanimously, which will enable the organizations to exchange experience, expertise and information.

'INTERPOL, as the world's largest police organization with its network of National Central Bureaus in 186 member countries clearly plays a pivotal role, not only for law enforcement but for all organizations responsible for ensuring the safety and security of citizens around the world,' said INTERPOL Secretary General Ronald K. Noble.

'INTERPOL is entering a new phase in its evolution, becoming even more responsive and adaptable to our member countries' needs. This General Assembly has laid the groundwork for the INTERPOL of the future, ensuring that we create and provide the tools that police need to do their job, no matter where they are in the world.'

(from the INTERPOL Website)

Members of the ICTR/ICTY Joint Advisory Committee on Archives Visit Arusha and Kigali

As a part of the completion strategies of the ICTR and ICTY, Mr. Hans Holthuis, Registrar of the ICTY, and Mr. Adama Dieng, Registrar of the ICTR commissioned a joint study for the planning of the location, access and preservation of the archives of UN ad hoc Tribunals post-closure. Recognizing the wealth of information created and stored by the ICTR and the ICTY, the Registrars commissioned the study to ensure that all records of the Tribunals are maintained, preserved, and, when possible, made available to the public. One of the key purposes of the study is to evaluate a variety of proposed scenarios to determine the most suitable location for the long-term storage of the archives of the Tribunals. Questions regarding the ownership of the materials, the role of the UN in maintaining and managing the archives, the responsibilities of the UN to provide the international community access to the materials, and the significance of the materials to the people of the affected regions were identified as key point to be taken into consideration during the course of the study.

Due to the diverse interests and objectives of the various stakeholders in the legacies of the two Tribunals, it was determined that the most practical way forward was to retain a panel of independent experts to act as consultants in the study. The Advisory Committee on Archives (ACA) is comprised of a team of five internationally recognized experts in the archival and legal professions. It is chaired by former ICTY and ICTR Prosecutor, Justice Richard Goldstone. The team dealing specifically with the ICTY archive is composed of Professor Dr. Eric Ketelaar, a former national archivist of the Netherlands, and Cecile Aptel, a former staff member of both the ICTY and ICTR. The ICTR-related team is made up of Professor Dr. Saliou Mbaye, former national archivist of Senegal and Judge Mohammed Chande Othman, Judge at the Tanzanian High Court, former Prosecutor at the East Timor UN administration, and former Chief of Prosecutions at the ICTR. Dr. Mbaye and Judge Othman made a brief preliminary visit to the ICTR in early October 2007, which was followed by a meeting of the entire committee in The Hague.

Judge Othman and Dr. Mbaye returned to Arusha for a two-week visit from 12 – 23 November to gain an in-depth understanding of the nature of the records held by the ICTR, and the issues surrounding the long-term storage, accessibility and preservation of those records. During the course of their visit, they met with a variety of stakeholders from all sections of the ICTR. The received briefings on the types of records and the technology in use to manage all documentary evidence held by the Office of the Prosecutor's Evidence Unit, the judicial documents held by the Court Management Section's Judicial Records and Archives Unit, and the administrative records managed by the General Services Section's Registry and Archives Unit. Meetings were held with representatives from Chambers, the Witness and Victim Support Section, External Relations, the Deputy Prosecutor, and Defence Council representatives. In addition, five working sessions, attended by key players from all sections of the ICTR, were conducted to discuss the various issues raised by the

committee members. Representatives from the Office of Legal Affairs and the Archives and Records Management Section in New York conducted a teleconference with the committee members. While in Arusha, Judge Othman and Dr. Mbaye also met with representatives from the East African Community and the African Court on Human and Peoples' Rights.



From left to right: Rwandan Prime Minister, Mr Bernard Makuza, Dr. Mbaye and Judge Othman

Following their visit to Arusha, they traveled to Rwanda for a two-week visit. During the course of their stay in Rwanda, they consulted with staff from the ICTR office in Kigali. They also met with a number of representatives of the Rwandan government, including the Prime Minister, Mr Bernard Makuza, the Speaker of the Senate, Hon Vicent Biruta, the President of the Supreme Court, Aloysia Cyanzaire, the Minister of Justice, Mr. Tharcisse Karugarama, the Minister of Foreign Affairs, Mr. Charles Muligande, the Minister of Youth, culture and sports, Mr. Joseph Habineza, the Minister of Information in the Prime Minister's office, Prof. Laurent Nkusi, the Prosecutor General Mr. Martin Ngoga, the Vice President of Supreme Court, Mr. Sam Rugege, the President of IBUKA, Mr. Simburudali Theodore. In order to gain a full understanding of the relevance of the ICTR archives to the citizens of Rwanda, they also met with stakeholders in Rwanda's civil society, business sector, victims' and survivors' organizations, NGOs, the diplomatic community, donors and other UN agencies, including Mr. Mosthapha Soumare, the United Nations Development Programme Resident Coordinator in Rwanda, and the Rectors of the National University of Rwanda and Kigali Independent University.

Following their visit to Rwanda, Judge Othman and Dr. Mbaye are scheduled to travel to Nairobi to conduct working sessions with UNON, the National Archives of Kenya and the Kenyan Attorney General. Following that, they will travel to Addis-Ababa to consult with representatives from the African Union and the Economic Commission for Africa. A plenary session of the joint committee with the Registrars from both Tribunals will be held in early 2008 in South Africa, followed by consultations with relevant South African authorities, archivists, and political and opinion leaders.

The result of the study of the joint committee will be a comprehensive collection of recommendations regarding the storage, location, accessibility and preservation of the archival legacy of the two Tribunals. All ICTR staff from both Arusha and Kigali who contributed to the visits of the committee members deserve thanks for their hard work

and willingness to participate. The archives of the ICTR are not the responsibility of any one section or organ of the Tribunal; an organization-wide commitment is required to ensure that all key factors are evaluated and addressed. The knowledge of the ICTR staff members and judges is diverse, wide-spread, and far-reaching. The visit of the ACA members was an ideal opportunity to share that knowledge and information, to provide insight, voice concerns, and establish an open dialogue to better enable the ACA to make informed recommendations on the future of the ICTR's archival collection. We are indeed fortunate to have Judge Othman and Dr. Mbaye, two individuals of such high regard and ability, working so diligently to accomplish the difficult task of developing a strategy to maintain the collection of the ICTR after the completion of its mandate.

Conference sponsored by the California State University at Sacramento

Tim Gallimore, Spokesperson for the ICTR Prosecutor, attended the post-genocide conference sponsored by the California State University at Sacramento on 2-3 November 2007.

Gallimore provided the conference participants with an overview of the ICTR jurisprudence and the Tribunal's contributions to justice and reconciliation in Rwanda. He also briefed law students and faculty at the University of the Pacific and at the University of California at Berkeley on the status and newsworthy details from each of the ongoing ICTR trials in Arusha, Rule 11 bis requests, the ICTR Completion Strategy and generally about the work and accomplishments of the OTP.

Gallimore showed a video documentary and provided a detailed briefing about the ICTR "media case" and the impending Appeals Chamber judgment. He also provided published and video materials about the ICTR to conference participants, students and faculty.

News from Kigali

• Training Seminars held in Kigali during the month of November 2007

The ICTR organized various training workshops on "Online Legal Research" in Kigali during the month of November 2007. The first session was for Judges from the Supreme Court from 5 to 11 November 2007, followed by one for Prosecutors from 12 to 16 November 2007 and the final session of the month was for Lawyers from 19 to 24 November 2007. These workshops were facilitated by the Library and Reference Section in Arusha and the Umusanzu Information Centre Library in Kigali.

The purpose of these workshops was to assist the legal professionals to develop the analytical sense, research methodology and evaluation skills needed to access and use legal information resources available on the Internet.

These workshops are part of the Capacity Building Programme of the ICTR and are funded by the European Union.



News from The Hague

• Activity of the Appeals Chamber

The Appeals Chamber rendered the Simba and Nahimana et al. appeal judgements in Arusha on 27 and 28 November 2007, respectively. Additionally, the Appeals Chamber heard the merits of the appeals in the Seromba case on 26 November 2007. Due to an emergency unavailability of Lead Counsel, the Appeals Chamber postponed the hearing of the appeals in the Muvunyi case.

Further, the Appeals Chamber has deliberated on two interlocutory appeals in the Karemera et al. case. It has also deliberated on a request for reconsideration in the Rutaganda case and on a request for review in the Niyitegeka case. During November, the Appeals Chamber

issued decisions or orders concerning six pre-appeal matters, including two decisions concerning additional evidence

• Hearing of testimonies of Witnesses by Video-Conference Link

Following the Orders of 27 April 2007 and 21 September 2007 by Trial Chamber II, composed of Judges Khalida Rachid Khan (Presiding), Lee Gaguiga Muthoga and Emile Francis Short and the Order by Trial Chamber III composed of Judges Inés Mónica Weinberg de Roca (Presiding), Florence Rita Arrey and Robert Fremr, the Other Registry Services Sub-Unit (ORSS-U) of the ACSU has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearings of testimonies by video-conference link of three witnesses in November 2007.

Judicial Decisions of the ICTR from 1 to 30 November 2007

Date	Record Number	Title	TC
01/11/2007	ICTR-98-44-3170	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR COOPERATION OF RWANDA TO OBTAIN STATEMENTS OF PROSECUTION WITNESSES AWD AND AJY	TC 3
02/11/2007	ICTR-00-56-0869	NDINDILYIMANA ET AL -DECISION ON BIZIMUNGU'S REQUEST FOR WITNESS DE4-12 TO TESTIFY VIA VIDEO-LINK	TC 2
02/11/2007	ICTR-98-44-3176	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S MOTION TO BE RELIEVED OF THE OBLIGATION TO DISCLOSE THE IDENTITIES OF CERTAIN WITNESSES	TC 3
02/11/2007	ICTR-98-44-3174	KAREMERA ET AL - DECISION ON THE PROSECUTION MOTION FOR ADMISSION INTO EVIDENCE OF POST- ARREST INTERVIEWS WITH JOSEPH NZIRORERA AND MATHIEU NGIRUMPATSE	TC 3
02/11/2007	ICTR-98-44-3175	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S THIRD MOTION TO REPORT GOVERNMENT OF RWANDA TO UNITED NATIONS SECURITY COUNCIL	TC 3
05/11/2007	ICTR-00-55B-0009	HATEGEKIMANA - DECISION ON DEFENCE MOTION FOR THE CONTINUATION OF PROCEEDINGS BEFORE THE TRIBUNAL	TC 3
05/11/2007	ICTR-98-42-0744	NYIRAMASUHUKO ET AL - DECISION ON NTAHOBALI'S AND NYIRAMASUHUKO'S ORAL MOTIONS TO EXCLUDE CERTAIN EVIDENCE FROM THE EXPECTED TESTIMONY OF KANYABASHI,S WITNESSES D-2-13-0, D-2-15-S AND D-20-H	TC 2
05/11/2007	ICTR-98-44-3181/2	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DU PROCUREUR INTITULEE (PROSECUTOR'S MOTION FOR RECONSIDERATION OF ORAL DECISIONS OF 25 JUNE 2007 AND 03 JULY 2007 CONCERNING ADMISSION IN EVIDENCE OF DOCUMENTS MARKED I-P- 005 AND I-P-006)	TC 3
05/11/2007	ICTR-01-73-0651	ZIGIRANYIRAZO - DECISION ON DEFENCE MOTION FOR ACCESS TO ICTR INDICTED PRISONER AUGUSTIN NGIRABATWARE	TC 3
05/11/2007	ICTR-98-44-3181/1	KAREMERA ET AL - DECISION ON THE PROSECUTION MOTION FOR RECONSIDERATION OF ORAL DECISIONS OF 25 JUNE 2007 AND 03 JULY 2007 CONCERNING ADMISSION INTO EVIDENCE OF DOCUMENTS MARKED I-P-005 AND I-P-006	TC 3
05/11/2007	ICTR-99-50-1734	BIZIMUNGU ET AL - DECISION ON BICAMUMPAKA MOTION TO INSPECT DOCUMENTS PURSUANT TO RULE 66 (B) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
06/11/2007	ICTR-98-44-3184	KAREMERA ET AL - JOSEPH NZIRORERA'S RESPONSE TO PROSECUTION MOTIONS FOR RECONSIDERATION OR CERTIFICATION OF DECISION EXCLUDING TESTIMONY OF EXPERT WITNESSES	TC 3
07/11/2007	ICTR-04-81-0045	SETAKO - DECISION ON DEFENCE REQUESTS TO LIFT CONFIDENTIALITY OF FILINGS	TC 1
07/11/2007	ICTR-98-44-3187	KAREMERA ET AL - MEMOIRE POUR M. NGIRUMPATSE AUX FINS D'EXTENSION DE DELAI DE REPONSE ET SUBSIDIAIREMENT DE REJET DE LA PROSECUTOR'S MOTION FOR RECONSIDERATION OF TRIAL CHAMBER III DECISION OF 25 OCTOBER 2007 TO EXCLUDE EXPERT WITNESSES	TC 3
08/11/2007	ICTR-05-88-0022	KALIMANZIRA - DECISION ON PROSECUTION MOTION FOR PROTECTIVE MEASURES	TC 1



Date	Record Number	Title	TC
08/11/2007	ICTR-98-44-3192	KAREMERA ET AL - PROSECUTOR'S REPLY TO JOSEPH NZIRORERA'S RESPONSE TO PROSECUTION MOTION FOR RECONSIDERATION OF OR CERTIFICATION TO APPEAL DECISION EXCLUDING TESTIMONY OF EXPERT WITNESSES	TC 3
08/11/2007	ICTR-98-44-3193	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SECOND MOTION FOR RECONSIDERATION OF SANCTIONS	TC 3
08/11/2007	ICTR-98-44-3190	KAREMERA ET AL - DECISION TO REQUEST SUBMISSIONS CONCERNING THE DECISION TO PROCEED IN THE ABSENCE OF JOSEPH NZIRORERA	TC 3
08/11/2007	ICTR-04-81-0046	SETAKO - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON DEFENCE MOTIONS FOR RULE 68 DISCLOSURE	TC 1
08/11/2007	ICTR-01-67-0024	KAYISHEMA - DECISION ON THE REQUEST BY HUMAN RIGHTS WATCH FOR LEAVE TO APPEAR AS AMICUS CURIAE IN THE PROCEEDINGS FOR REFERRAL OF THE INDICTMENT AGAINST FULGENCE KAYISHEMA TO RWANDA	TC 3
09/11/2007	ICTR-01-73-0652	ZIGIRANYIRAZO - DECISION ON DEFENCE MOTION FOR A HEARING BY VIDEO-LINK FOR PROTECTED WITNESS BNZ60 AND MR GASPARD MUSABYIMANA	TC 3
09/11/2007	ICTR-02-78-0055	KANYARUKIGA - DECISION ON THE REQUEST OF THE REPUBLIC OF RWANDA FOR LEAVE TO APPEAR AS AMICUS CURIAE (Rule 74 of RPE)	TC 1
12/11/2007	ICTR-98-44-3201	KAREMERA ET AL - DECISION ON DEFENCE MOTION FOR CROSS-EXAMINATION OR REDACTION OF WRITTEN STATEMENT OF WITNESS ARP	TC 3
12/11/2007	ICTR-00-56-0871	NDINDILYIMANA ET AL -DECISION ON BIZIMUNGU'S REQUEST FOR VIDEO-LINK TESTIMONY OF WITNESS DE11-4	TC 2
12/11/2007	ICTR-01-70-0367	RUKUNDO - DECISION ON DEFENCE MOTION TO RE-SCHEDULE THE FILING OF CLOSING BRIEFS AND THE HEARING OF CLOSING ARGUMENTS	TC 2
13/11/2007	ICTR-01-67-0025	KAYISHEMA - REFERRAL OF THE APPLICATION TO APPOINT DEFENCE COUNSEL	TC 3
13/11/2007	ICTR-98-44-3207	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S FIFTH NOTICE OF RULE 68 VIOLATIONS AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES	TC 3
13/11/2007	ICTR-98-44-3209	KAREMERA ET AL - ACKNOWLEDGMENT ON JOSEPH NZIRORERA'S MEMORANDUM ON THE APPLICABILITY OF THE ARUSHA ACCORDS TO THE REPLACEMENT OF PRESIDENT HABYARIMANA	TC 3
13/11/2007	ICTR-98-44-3208	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SECOND MOTION TO EXCLUDE THE TESTIMONY OF PROSECUTION WITNESS UPENDRA BAGHEL	TC 3
14/11/2007	ICTR-02-78-0062	KANYARUKIGA - DECISION ON PROSECUTION REQUEST TO AMEND THE INDICTMENT	TC 1
14/11/2007	ICTR-05-85-0033	BUCYIBARUTA - DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS DE PROLONGATION DE DELAI	TC 3
15/11/2007	ICTR-07-90-R77-0011	GAA - DESIGNATION OF A TC TO CONSIDER THE GUILTY AND NOT GUILTY PLEAS OF GAA	TC 3
15/11/2007	ICTR-04-81-0048	SETAKO - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR. STEFAN KIRSCH, LEAD COUNSEL FOR THE ACCUSED EPHREM SETAKO	TC 1
16/11/2007	ICTR-96-14-0436	NIYITEGEKA - DECISION OF TC TO CONSIDER THE REQUEST FOR DISCLOSURE OF CLOSED SESSION TRANSCRIPTS	TC 3
16/11/2007	ICTR-98-44-3222	KAREMERA ET AL - DECISION ON PROSECUTION MOTION FOR RECONSIDERATION OF THE DECISION ON PROSPECTIVE EXPERTS GUICHAOUA, NOWROJEE AND DES FORGES, OR FOR CERTIFICATION	TC 3
20/11/2007	ICTR-05-87-0033	MUNYESHYAKA - DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE RENVOI DE L'ACTE D'ACCUSATION CONTRE WENCESLAS MUNYESHYAKA AUX AUTORITES FRANCAISES	TC 3
20/11/2007	ICTR-05-85-0034	BUCYIBARUTA - DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE RENVOI DE L'ACTE D'ACCUSATION CONTRE LAURENT BUCYIBARUTA AUX AUTORITES FRANCAISES	TC 3
21/11/2007	ICTR-05-85-0035	BUCYIBARUTA - REVOCATION DE L'ORDONNANCE DE TRANSFERT	TC 3



Date	Record Number	Title	TC
21/11/2007	ICTR-98-44-3230/1	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF DECISION ON HIS MOTION FOR COOPERATION OF RWANDA TO OBTAIN STATEMENTS OF PROSECUTION WITNESSES ALG AND GK.	TC 3
21/11/2007	ICTR-05-87-0035	MUNYESHYAKA - REVOCATION DE L'ORDONNANCE DE TRANSFERT	TC 3
22/11/2007	ICTR-98-44-3232	KAREMERA ET AL - DECISION ON THE DEFENCE MOTIONS TO EXCLUDE PROSECUTION WITNESS AWD EVIDENCE ON 28 JANUARY 1993 MRND MEETING	TC 3
22/11/2007	ICTR-01-73-0663	ZIGIRANYIRAZO - DECISION ON MOTIONS TO ADMIT WRITTEN STATEMENTS OF WITNESSES JOSHUA ABDUL RUZIBIZA, RW2, AND RW3	TC 3
23/11/2007	ICTR-98-42-0749	NYIRAMASUHUKO ET AL - DECISION ON NDAYAMBAJE'S EXTREMELY URGENT MOTION REGARDING PERMISSION FOR EACH OF NDAYAMBAJE'S COUNSEL TO BRING A LAPTOP INTO THE UNDF	TC 2
27/11/2007	ICTR-98-44-3237	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION TO APPEAL ISSUE OF PROSECUTION'S OBLIGATION TO RECORD EXCULPATORY INFORMATION	TC 3
27/11/2007	ICTR-98-44-3236	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR IMMEDIATE RETURN OF SEIZED PROPERTY	TC 3
28/11/2007	ICTR-98-44-3239	KAREMERA ET AL - DECISION ON APPEALS CHAMBER REMAND ON THE RIGHT IF THE ACCUSED TO BE PRESENT AT TRIAL	TC 3
28/11/2007	ICTR-98-44-3240	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR ADMISSION OF UNAMIR RELATED DOCUMENTS	TC 3
29/11/2007	ICTR-98-44-3245	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SIXTH, SEVENTH AND EIGHTH NOTICES OF DISCLOSURE VIOLATIONS AND MOTIONS FOR REMEDIAL, PUNITIVE AND OTHER MEASURES	TC 3
29/11/2007	ICTR-01-67-0032	KAYISHEMA - DECISION ON THE REQUEST BY HUMAN RIGHTS WATCH FOR EXTENSION OF TIME TO FILE AMICUS CURIAE SUPPORTING BRIEF IN THE PROCEEDINGS FOR REFERRAL OF THE INDICTMENT AGAINST FULGENCE KAYISHEMA TO RWANDA	TC 3
29/11/2007	ICTR-98-44-3244	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DE MATHIEU NGIRUMPATSE EN CERTIFICATION D'APPEL DE LA DECISION DE LA CHAMBRE D'ADMETTRE LES PIECES A CONVICTION IP005 ET IP006	TC 3
30/11/2007	ICTR-07-90-R77-0013	GAA - DECISION ON PROSECUTOR'S APPLICATION FOR LEAVE TO AMEND THE INDICTMENT	TC 3
30/11/2007	ICTR-01-70-0375	RUKUNDO - DECISION ON DEFENCE MOTION TO PRESENT ADDITIONAL WITNESSES AND TO FILE DOCUMENTARY EVIDENCE PRIOR TO THE CLOSE OF ITS CASE	TC 2
30/11/2007	ICTR-00-56-0879	NDINDILYIMANA ET AL - PROPRIO MOTU DECISION CLARIFYING THE CHAMBER'S ORAL RULING OF 12 NOVEMBER 2007	TC 2
30/11/2007	ICTR-01-63-0297	NCHAMIHIGO - DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE PROROGATION DU DELAI POUR LE DEPOT DE SES CONCLUSIONS ECRITES	TC 3