



ICTR Newsletter

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International Criminal Justice: Lessons from the Past, Reflections on the Future



ICTR Prosecutor Justice Hassan B. Jallow welcoming Prime Minister of Rwanda, Mr. Bernard Makuza

The Fifth Colloquium of Prosecutors of the International Criminal Tribunal for Rwanda (ICTR), International Criminal Tribunal for the former Yugoslavia (ICTY), Special Court for Sierra Leone (SCSL), Extraordinary Chambers in the Courts of Cambodia (ECCC), Special Tribunal for Lebanon (STL) and International Criminal Court (ICC) entitled "International Criminal Justice:

Lessons from the Past, Reflections on the Future", organized by ICTR Prosecutor, was opened on 11 November 2009 in Kigali by the Honorable Prime Minister of Rwanda, Mr. Bernard Makuza in the presence of Prosecutor General of Rwanda, Mr. Martin Ngoga, Steven Rapp, US Ambassador-at-large for War Crimes Issues, senior staff of the various Tribunals, former senior officials of the Tribunals, NGOs, Representatives of Diplomatic Missions in Rwanda, Government Officials and Representatives of the Judicial Sector.

In his opening remarks, Justice Jallow who hosted the colloquium, highlighted the importance of this year's theme. He said that the theme has been deliberately chosen, for today the administration of international criminal justice stands at an important crossroads which requires us to seek to draw on the lessons of the past and to indeed reflect on the future directions of this system.

He added that one of the most remarkable developments in modern times has been the speed with which international criminal justice has developed and the efficacy with which it has operated.

Speaking at the opening ceremony, the Rwandan Prime Minister, His Excellency Bernard Makuza thanked the ICTR for organizing the Colloquium saying that it was a unique opportunity to share experience on matters concerning the promotion of International Justice. He pointed out that the country has been undergoing all the necessary judicial reforms in order to speed up the process of justice, unity and reconciliation in the country.

A Declaration was issued on 16 November 2009 after the three-day colloquium. The Final Declaration was unanimously adopted by the participants in the presence of Judge Dennis Byron, President of the ICTR.

Speaking at the plenary closing session, President Byron expressed the need for the *ad hoc* tribunals to share experiences and capacity building knowledge. "The *Ad hoc* Tribunals have contributed to the building of ICC" said President Byron. He congratulated Prosecutor Jallow and the participants, and also paid tribute to the Rwandan Government for hosting the colloquium.

During the three-day Colloquium, the participants held discussions on

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Prosecutors of the Tribunals from I-R: Mr. Joseph Kamara, Ag. Prosecutor SCSL; Mr. Serge Brammertz, Prosecutor ICTY; Justice Hassan Jallow, Prosecutor ICTR; Ms. Chea Leang, National Co-Prosecutor ECCC; Mr. Daniel Bellemare, Prosecutor STL and Mr. Luis Moreno-Ocampo, Prosecutor ICC



matters related to the future of the International Criminal Justice, international cooperation, exercise of Universal Jurisdiction and options and implications for post-Tribunal Residual Mechanisms. They also reflected on the future of International Criminal Justice. The participants also visited the Gisozi and Murambi Genocide Memorial sites.



After reiterating their common concern on the fight against impunity in respect of law, respect of human rights and evaluation of the necessary environment for the maintenance of peace and stability, the Prosecutors call upon the states:

- To ensure that their Legal systems and other regional Legal arrangements to which they are party have the jurisdiction and the capacity to effectively prosecute international crimes or to extradite suspects of such crimes;
- To provide full cooperation to all the International Criminal Tribunal and to execute all requests and orders for assistance from the Tribunals including the arrest of all fugitives indicted by them;
- To seriously consider the adoption of a convention on the Suppression and Punishment of Crimes against Humanity;
- That have not yet done so, to become party to the Rome Statute of the International Criminal Court (ICC) and cooperate fully with the court in the execution of its mandate.



Participants and organizers of the Colloquium

The previous colloquia were hosted by the Special Court of Sierra Leone in 2005, the ICTY and the ICC in The Hague in 2006 and the ECCC in Phnom Penh, Cambodia in 2007. The first Colloquium was hosted by the ICTR in 2004.

The Colloquium builds on progress made at the National Prosecutors' Forum held in November 2008 in Arusha, Tanzania that dealt with the challenges of cooperation in the fight against impunity after closure of the tribunals. Both Colloquia were supported by the McArthur Foundation.

ICTR JudicialActivities

- **Work of the Trial Chambers and the Appeals Chamber between 1 and 30 November 2009**

1. Trial Chamber I

Judgement delivery

Nsengimana

The Trial Judgement concerning Hormisdas Nsengimana was rendered on 17 November 2009. He was acquitted on all counts. The authoritative written Judgement will be available soon, following the completion of the editorial process. The Chamber issued a decision dated 24 November 2009 granting in part a Prosecution motion to impose restrictions on Nsengimana's liberty, pending the Prosecution's decision whether to appeal the acquittal.

Cases where closing arguments are awaited

Munyakazi

Closing arguments will be heard on 29 January.

Cases where judgement delivery is awaited

Setako

The Chamber issued a decision dated 4 November 2009 granting a Defence motion for the admission of Rwandan judicial documents. Closing arguments took place on 5 and 6 November 2009.

2. Trial Chamber II

Ongoing Trials

Kanyarukiga

The Defence case is scheduled to take place between 18 January and 12 February 2010.

The Pre-Defence Brief is due on 18 December 2009. The Trial Chamber issued two written decisions in November 2009, including one granting certification to appeal the Trial Chamber's denial of a Defence motion for disclosure and restitution of three alleged laissez-passers that the Defence claims were seized from the Accused at the time of his arrest.

Ngirabatware

On 22 October 2009, due to commitments of the bench in other trials, the proceedings were adjourned until 25 January 2010 when the Prosecution case is scheduled to resume until it ends. Three pending motions are in deliberations

Cases awaiting closing arguments

Hategekimana

The Defence in the trial of Ildéphonse Hategekimana closed its case on 6 October 2009 after calling 20 witnesses. The closing briefs of both Parties are to be filed on 15 January 2010, and their closing arguments are to be heard on 25 February 2010. During November 2009, the Chamber issued no decisions. A site visit to Rwanda involving the Chambers and both Parties was conducted between 2 and 6 November 2009.



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. During the month of November, the Chamber issued one Interim Order regarding a Defence Motion alleging that a particular prosecution witness intends to recant his testimony.

Bizimungu et al.

Judgement drafting in the case is ongoing.

3. Trial Chamber III

Judgement Delivery

Bagaragaza (guilty plea)

Following Michel Bagaragaza's guilty plea for complicity in genocide on 17 September 2009, the Chamber heard one character witness on 3 November 2009. The next day, the Chamber admitted 12 written statements from character witnesses pursuant to Rule 92bis as well as the Parties' joint statement on agreed fact concerning Michel Bagaragaza's cooperation with the Prosecution. On the same day, the Chamber also heard the Parties' arguments on sentencing. On 5 November, the Chamber sentenced Michel Bagaragaza to 8 years' imprisonment. On 17 November 2009, the Chamber issued the written reasons for its sentencing.

Ongoing trials

Karemera et al.:

The Chamber continued to hear Joseph Nzirorera's Defence. 10 witnesses were heard. In November, the Chamber rendered 10 written decisions and six oral decisions. The Chamber continued sitting half days, four days a week, taking into account the adverse health condition of Matthieu Ngirumpatse. On 25 November, the proceedings were adjourned until 18 January 2010 for the continuation of Joseph Nzirorera's Defence case. The Chamber continues to monitor the health of Matthieu Ngirumpatse.

Gatete

The Prosecution closed its case on 16 November 2009 after calling 22 witnesses over 12 trial days. The Defence case is scheduled to commence in early 2010. The Trial Chamber rendered four decisions on Defence motions, including one on the admissibility of allegations falling outside the temporal jurisdiction of the Tribunal, one denying certification to appeal a prior decision, one on the disclosure of Rwandan judicial records, and one on the exclusion of certain evidence. In addition, the Trial Chamber issued a scheduling order setting the dates for the filing of the Pre-Defence Brief and the commencement of the Defence case.

Ntawukuliyayo

The Defence case resumed on 17 November 2009 in order to hear the ten remaining Defence witnesses, which included the Accused. Six factual Defence witnesses were heard over three trial days. The

Chamber issued two oral ruling regarding (i) the testimony of a Defence witness who was unavailable to testify during this trial session, and (ii) the possibility that the Accused should testify prior to the proposed Defence expert witnesses due to the Defence failure to comply with filing obligations regarding expert witnesses. Following further Defence submissions, the Chamber issued another oral ruling that the Accused's testimony be heard on 8 December 2009. The Chamber issued also one written decision. The Defence case is expected to close in December 2009.

Nzabonimana

The Trial started on 9 November 2009, and nine Prosecution witnesses were heard.

The Trial Chamber issued one written Decision and a number of oral ones

Trials in Judgement Drafting Phase

Muvunyi (re-trial)

On 11 November 2009, the Appeals Chamber granted in part Tharcisse Muvunyi's Appeal against the Chamber's Decision on acquittal (Rule 98 bis) and remanded the matter to the Chamber for further consideration. Following an order from the Chamber, the Parties filed supplemental submissions on 20 November 2009. On 25 November 2009, the Chamber rendered its decision on remand denying Tharcisse Muvunyi's Motion for acquittal. The Chamber continues its deliberations on the Judgement which is expected in January 2010.

Trial to commence in 2010

Ndahimana:

Bharat Chadha from Tanzania. Has been appointed Lead Counsel. The case is at pre-trial stage.

Nizeyimana:

Idelphonse Nizeyimana made his initial appearance on 14 October 2009. A Lead Counsel is in the process of being appointed.

Appeals Chamber

The Appeals Chamber is seized of eleven matters, including seven cases involving appeals from judgement.

In the *Bikindi* case, where the notices of appeal were filed on 31 December 2008, the case was heard on 30 September 2009 in Arusha and deliberations are in progress.

In the *Nchamihigo* case, the appellant filed his notice of appeal on 6 March 2009. The case was heard on 29 September 2009 in Arusha and deliberations are in progress.

In connection with the *Bagosora et al.* Trial Judgement pronounced on 18 December 2008 and issued in writing on 9 February 2009, the Appeals Chamber decided that Theoneste Bagosora's notice of appeal is to be filed no later than 30 days from the date of the filing of the French translation of the Trial Judgement (expected in December 2009). Aloys Ntabakuze and



Anatole Nsengiumva filed their notices of appeal in March 2009. The briefing in respect of Aloys Ntabakuze's appeal is completed.

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. 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. Callixte Kalimanzira received an extension of time to file his appeal brief within 75 days of the filing of the French translation of the Trial Judgement which was filed on 16 November 2009.

The Trial Judgement in the *Nshogoza* case was rendered on 2 July 2009. Leonidas Nshogoza appealed his contempt conviction and the briefing was completed on 24 August 2009. Deliberations on this matter are proceeding.

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 and was granted an extension of time to file his appeal brief within 40 days of the service of the French translation of the Trial Judgement which is due on 1 February 2010.

In addition to these appeals, the Appeals Chamber is seized of three interlocutory appeals in the *Karemera et al.* and *Bizimungu et al.* cases as well as a fifth request for review from Eliezer Niyitegeka.

In November, the Appeals Chamber rendered the *Zigiranyirazo* Appeal Judgement, one decision on an interlocutory appeal in the *Muvunyi* case, one decision in the *Kajelijeli* case concerning post-appeal matters, and one pre-appeal order.

In its judgement of 16 November 2009, the Appeals Chamber reversed Protais Zigiranyirazo's convictions for genocide and extermination as a crime against humanity and entered a verdict of acquittal. It then ordered his immediate release. The Appeals Chamber reversed the convictions after finding several serious factual and legal errors in the Trial Chamber's assessment of Zigiranyirazo's alibi in respect of both events on which his convictions were based.

From the beginning of 2009, the Appeals Chamber has rendered two Judgements, in the *Karera* and *Zigiranyirazo* cases, 13 decisions on interlocutory appeals, 14 decisions concerning post-appeal matters, including review, and 135 preliminary decisions or orders.

To date, the Appeals Chamber has delivered 22 Appeal Judgements, concluding the appellate proceedings in respect of 28 persons.

Trial of Callixte Nzabonimana Commences

The Trial of Callixte Nzabonimana, Minister of Youth during the genocide, began on 9 November 2009 before Trial Chamber III of the UN International Criminal Tribunal for Rwanda composed of Judges Solomy Balungi Bossa, presiding, Bakhtiyar Tuzmukhamedov and Mparany Rajohnson. Nzabonimana is facing five counts charging him with genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, and crimes against humanity for extermination and murder.



In its opening remarks the Prosecution told the Trial Chamber that it will bring evidence to prove that many Tutsis were killed following Nzabonimana's orders, adding that the accused whom it described as the "butcher of Gitarama" decided knowingly to participate in the planned genocide with other authorities using state machinery.

Senior Trial Attorney, Paul Ng'arua stated that further evidence will prove that the accused was a person of great influence in Gitarama prefecture and Rwanda in general and people followed his orders. But instead of acting to protect the population he decided to deliberately participate in the massacres.

The lead Defence Counsel, Vincent Courcelle-Labrousse (France), told the Trial Chamber that she would prove that some of the allegations against his client were not true because, for example, at the time the Prosecution alleges the accused was inciting the massacres, his client had sought refuge at the French Embassy in Rwanda like other ministers.

According to the indictment, Nzabonimana was, in Gitarama Prefecture, allegedly the primary force behind attacks on, and dismissals of, *bourgmestres* who refused to carry out the Government's directives. After their dismissal, at least some of these *bourgmestres* were killed.

Nzabonimana was arrested in Kigoma, Western Tanzania, on 18 February 2008 and was transferred to the UN Detention Facility in Arusha immediately after. His initial appearance before the Tribunal was on 20 February 2008.

Michel Bagaragaza Sentenced to 8 years imprisonment

Michel Bagaragaza, former Director General of the office controlling the Rwandan tea industry during the period of the genocide, was on 6 November 2009 convicted of one count of complicity in genocide and sentenced to a prison term of 8 years with credit for the time he has spent in detention since his arrest on 15 August





2005. The sentencing took place in Trial Chamber III before Judges Vagn Joensen, presiding, Bakhtiyar Tuzmukhamedov and Gberdao Gustave Kam.

The Trial Chamber found him guilty of the charge for having substantially contributed to the killings of more than one thousand Tutsi who sought refuge at Kesho Hill and at Nyundo Cathedral. It also found that he aided and abetted the planners and principal perpetrators of the killings, including military and civilian leaders and members of the *Interahamwe* militia, members of the Presidential Guard, military personnel, and the staff of Rubaya and Nyabitu Tea Factories.

Bagaragaza was initially charged with conspiracy to commit genocide, genocide, and in the alternative, complicity in genocide. Another charge was later added to the indictment. On 15 August 2005, Bagaragaza voluntarily surrendered to the Tribunal and made his first initial appearance the next day where he pleaded not guilty to each of the three counts set forth in the Initial Indictment.

After failed attempts to transfer the case to a national jurisdiction and to proceed with the case before the Tribunal on the basis of an initial guilty plea agreement between Bagaragaza and the Prosecution, the Parties filed another guilty plea agreement in August of this year. This time the Trial Chamber accepted it after being satisfied that Bagaragaza's acceptance of the plea agreement was made freely and voluntarily and that it was informed and unequivocal.

During the sentencing, Judge Joensen stated that, "[Bagaragaza] in his public address to the Court has shown genuine remorse for his actions and has provided invaluable assistance to the Prosecution in its investigations." Bagaragaza was represented by Counsel Geert-Jan Alexander Knoop from The Netherlands while the Prosecution was led by Mr. Wallace Kapaya assisted by Mr. Patrick Gabaake, Mr. Mousa Sefon and Mr. Iskander Ismal.

Appeals Chamber Acquits and Releases Protais Zigiranyirazo



The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judges Theodor Meron, presiding, Mehmet Güney, Fausto Pocar, Liu Daqun, and Carmel Agius, on 16 November 2009 reversed Protais Zigiranyirazo's convictions for genocide and extermination as a crime against humanity and entered a verdict of acquittal. It then ordered his immediate release from the United Nations Detention Facility in Arusha, Tanzania.

On 18 December 2008, Trial Chamber III found Zigiranyirazo guilty of committing genocide and extermination as a crime against humanity by participating in a joint criminal enterprise to kill Tutsis at Kesho Hill in Gisenyi Prefecture on 8 April 1994 and

sentenced him to two terms of 20 years of imprisonment. He was also found guilty of aiding and abetting genocide in relation to the killing of Tutsis at a roadblock in the Kiyovu area of Kigali and sentenced to one term of 15 years of imprisonment. The Trial Chamber ordered that these sentences be served concurrently.

The Appeals Chamber reversed Zigiranyirazo's convictions after finding several serious factual and legal errors in the Trial Chamber's assessment of his alibi in respect of both events on which his convictions were based.

Zigiranyirazo was born on 2 February 1938 in the Giciye Commune, Gisenyi Prefecture, Rwanda. He was the brother-in-law of the late former President of Rwanda, Juvenal Habyarimana. Zigiranyirazo became a Member of Parliament in 1969. In 1973, he was appointed Prefect of Kibuye and then served as Prefect of Ruhengeri from 1974 until 1989. After his resignation, he studied in Canada and returned to Rwanda in 1993 to work as a businessman.

Zigiranyirazo was arrested in Belgium on 26 July 2001 and transferred to the Tribunal on 3 October 2001. His trial commenced on 3 October 2005 and closed on 29 May 2008. He was assisted by John Philpot and Peter Zaduk, both from Canada.

Father Hormisdas Nsengimana Acquitted

Trial Chamber I, composed of Judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russian Federation) and Florence Rita Arrey (Cameroon) on 17 November 2009 acquitted Hormisdas Nsengimana of genocide as well as murder and extermination as crimes against humanity. It then ordered his immediate release from the UN Detention Facility in Arusha.



During the 1994 genocide in Rwanda, Nsengimana was a priest and rector of *Collège Christ-Roi*, a prestigious Catholic secondary school in Nyanza sector, Butare prefecture.

Nsengimana was alleged to have been at the centre of a group of Hutu extremists that planned and carried out targeted attacks in Nyanza in 1994. Moreover, he purportedly participated directly and indirectly in killings. The Prosecution sought to establish his criminal responsibility for the deaths of several Tutsi priests, a judge, and many other Tutsi victims. He was also alleged to have established and supervised at least three roadblocks in the vicinity of *Christ-Roi*, which were mounted to intercept and eliminate Tutsis.

The Chamber did not find a sufficient factual and legal basis for concluding that Nsengimana was guilty of any of the crimes.



Nsengimana was arrested in Cameroon in March 2002 and made his initial appearance before the Tribunal in April 2002. The trial commenced on 22 June 2007 and concluded on 17 September 2008. Nineteen Prosecution witnesses and 24 Defence witnesses, including Nsengimana, testified during the proceedings. Oral arguments were held on 12 and 13 February 2009.

The Prosecution team was led by Senior Trial Attorney Wallace Kapaya and included Brian Wallace. Nsengimana was represented by Emmanuel Altit (France) and David Hooper (United Kingdom).

Decisions of the ICTR from 1-30 November 2009

Date	Record	Title	TC
2-Nov-09	ICTR-98-44-4173	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO NZIRORERA'S MOTION FOR RECONSIDERATION: DECISION ON MOTION FOR DISCLOSURE OF BENEFITS TO PROSECUTION WITNESS ZF	TC 3
2-Nov-09	ICTR-05-86-0131	BAGARAGAZA - DECISION ON DEFENCE'S MOTION FOR PROTECTIVE MEASURES (ARTICLES 19 AND 20 OF THE STATUTE AND RULES 69 AND 75 OF THE RULES OF PROCEDURE AND EVIDENCE)	Trial Team IV
3-Nov-09	ICTR-00-61-0133	GATETE - DECISION ON DEFENCE MOTION ON ADMISSIBILITY OF ALLEGATIONS OUTSIDE THE TEMPORAL JURISDICTION OF THE TRIBUNAL	TC 3
4-Nov-09	ICTR-00-61-0137	GATETE - REPLY TO PROSECUTION RESPONSE TO DEFENCE APPLICATION FOR CERTIFICATION TO APPEAL DECISION OF 19 OCTOBER 2009	TC 3
4-Nov-09	ICTR-04-81-0220	SETAKO - DECISION ON DEFENCE MOTION TO ADMIT RWANDAN JUDICIAL DOCUMENT	TC 1
5-Nov-09	ICTR-98-44-4177	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO MODIFY CONDITIONS OF RECALL OF PROSECUTION WITNESS G	TC 3
9-Nov-09	ICTR-98-44-4186	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SUBMISSION OF RULE 92BIS CERTIFIED STATEMENTS FROM EUROPE AND RWANDA	TC 3
9-Nov-09	ICTR-98-44-4184	KAREMERA ET AL - DECISION JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON SELECTIVE PROSECUTION DOCUMENTS	TC 3
10-Nov-09	ICTR-00-61-0142	GATETE - DECISION ON DEFENCE APPLICATION FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 19 OCTOBER 2009	TC 3
11-Nov-09	ICTR-00-55A-0454	MUVUNYI - DECISION ON APPEAL OF DECISION DENYING THE MOTION FOR JUDGEMENT OF ACQUITTAL	Trial Team IV
11-Nov-09	ICTR-98-44-4189	KAREMERA ET AL - DECISION ON ADMISSION OF DOCUMENTS USED IN CROSS-EXAMINATION OF EDOUARD KAREMERA AND WITNESS 6	TC 3
11-Nov-09	ICTR-98-44-4190	KAREMERA ET AL - DECISION SUR LA REQUETE DE MATHIEU NGIRUMPATSE VISANT A L'ADMISSION DE DECLARATIONS SUR LE FONDEMENT DE L'ARTICLE 92BIS DU REGLEMENT ET A LA PROTECTION DE TEMOINS	TC 3
12-Nov-09	ICTR-00-55A-0455	MUVUNYI - CORRIGENDUM TO DECISION ON APPEAL OF DECISION DENYING THE MOTION FOR JUDGEMENT OF ACQUITTAL	AC
13-Nov-09	ICTR-98-44D-0124	NZABONIMANA - DECISION ON NZABONIMANA'S MOTION FOR STAY OF PROCEEDINGS ; RECONSIDERATION AND/OR CERTIFICATION OF DECISION RENDERED ON 29 OCTOBER 2009 ; AND RECONSIDERATION AND/OR CERTIFICATION OF THE DECISION RENDERED ON 30 OCTOBER 2009 Rule 73 (B)	TC 3
19-Nov-09	ICTR-98-44-4197	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION: DECISION ON MOTION FOR DISCLOSURE OF BENEFITS FOR PROSECUTION WITNESS ZF	TC 3
19-Nov-09	ICTR-00-55A-0457	MUVUNYI - DECISION REGARDING THARCISSE MUVUNYI'S MOTION FOR AN ORDER DIRECTING THE REGISTRY TO PAY CO-COUNSEL, ABBE JOLLES, ATTORNEY'S FEE EARNED BETWEEN 1 NOVEMBER 2007 AND 31 MAY 2008	TC 3
20-Nov-09	ICTR-02-78-0244	KANYARUKIGA - DECISION ON THE DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TRIAL CHAMBER'S DECISION OF 30 OCTOBER 2009 RULE 73(B) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2



Date	Record	Title	TC
23-Nov-09	ICTR-00-61-0149	GATETE - DECISION ON DEFENCE MOTION FOR DISCLOSURE OF RWANDAN JUDICIAL RECORDS PURSUANT TO RULE 66(A) (ii) AND ORDER TO THE PRUSOCUTION TO OBTAIN DOCUMENTS. Rules 54, 66 and 98 of the Rules of Prrosecure and Evidence	TC 3
24-Nov-09	ICTR-01-69-0163	NSENGIMANA - DECISION ON THE PROSECUTION MOTION TO IMPOSE RESTRICTIONS ON NSENGIMANA'S LIBERTY	TC 1
24-Nov-09	ICTR-00-61-0151	GATETE - DECISION ON DEFENCE MOTION FOR EXCLUSION OF EVIDENCE (Rule 89 (c) of R.P.E.	TC 3
25-Nov-09	ICTR-98-44-4205	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL ORAL DECISION ON 26TH NOTICE OF RULE 66 VIOLATION AND 17TH NOTICE OF RULE 68 VIOLATION	TC 3
25-Nov-09	ICTR-00-55A-0461	MUVUNYI - DECISION ON AC REMAND OF DECISION DENYING THE MOTION FOR JUDGEMENT OF ACQUITTAL - RULE 98 bis 54 OF THE RULES OF PROCEDURE AND EVIDENCE	Trial Team IV
25-Nov-09	ICTR-05-82-0100	NTAWUKULILYAYO - DECISION ON PROSECUTION MOTION TO REJECT JOSEPH UFITEYEZU AS AN EXPERT WITNESS	TC 3
25-Nov-09	ICTR-98-44-4204	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR TESTIMONY BY VIDEO-LINK: HABYARIMANA FAMILY	TC 3
25-Nov-09	ICTR-98-44D-0128	NZABONIMANA - DECISION ON NZABONIMANA'S MOTION SEEKING RELIEF ON THE GROUND OF NON COMPLIANCE WITH THE RULES OR REGULATIONS OF THE TRIBUNAL (Rules 5(A), 8 and 73 (B) OF R.P.E.)	TC 3
26-Nov-09	ICTR-02-78-0245	KANYARUKIGA - DECISION ON PROSECUTION REQUEST FOR FURTHER ALIB PARTICULARS	TC 2
27-Nov-09	ICTR-98-44D-0131	NZABONIMANA - DECISION ON THE PROSECUTOR'S MOTION FOR RECONSIDERATION, AND/OR CERTIFICATION OF THE DECISION RENDERED ON 29 OCTOBER 2009 CONCERNING DISCLOSURE OF GACACA AND JUDICIAL MATERIAL RELATING TO PROSECUTION WITNESSES (Rule 73(B) of the Rules of Pr	TC 3
27-Nov-09	ICTR-05-82-0102	NTAWUKULILYAYO - DECISION ON PROSECUTION MOTIONS OPPOSING PROPOSED DEFENCE EXPERT WITNESS CHARLES NTAMPAKA	TC 3

Joint Expert Meetings on Human Rights in Africa take place in Arusha

The African Union (AU), the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and the United Nations Economic Commission for Africa (UNECA) in cooperation with the UN International Criminal Tribunal for Rwanda (ICTR), jointly organized two expert meetings on "*Improved interaction between the African Peer Review Mechanism (APRM) and the Universal Periodic Review (UPR) with increased consideration of the right to development and the development of a human rights strategy for Africa*". The first meeting began on 23 November 2009 at the Kibo Palace Hotel in Arusha, Tanzania and will end on 24 November 2009; whereas the second meeting will take place on 25 November 2009.

The main objective of the first expert meeting was to create a forum whereby relevant stakeholders would discuss about the interaction between the African Peer Review Mechanism (APRM) and the Universal Periodic Review of the United Nations (UPR) with a view to promoting human rights, with a particular emphasis on the right to development. The second meeting aimed at drawing a road map on the development of a comprehensive Human Rights Strategy for Africa.

At the opening, Mr. Jean Luc Ndeziye, Representative of the UN Liaison Office with the African Union, Dr. Mamadou Dia, Representative of the African Union Commission, Mr. Said Adejumobi, Representative of the UNECA, Mr. Frej Fenniche, Regional Representative of the East Africa Regional Office of the UN High Commissioner for Human Rights and the Assistant Secretary-General of the United Nations and Registrar of the ICTR, Mr. Adama Dieng, all underscored the importance of these meetings within the broader framework of the African Union-United Nations' ten year capacity building programme. The meetings are expected to adopt implementable recommendations that will guide future actions to improve interaction between the APRM and the UPR with a view to enhancing the realization and promotion of human and peoples' rights including the right to development in Africa.

The participants were also expected to charter a road map on the development of a coherent and effective human rights strategy for Africa as envisaged in United Nations General Assembly Resolution 61/296 of 2007. The experts were drawn from the African Union Commission and its human rights machineries such as the African Commission on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, the African Court of Human and Peoples' Rights, Regional Economic Communities, ICTR, UN Agencies, National Human



Rights Institutions, National and International Civil Society Organizations including other prominent African Human Rights experts.

Tribunal Trains Rwanda Witness Protection Officers

A three-day training workshop entitled “*Familiarization with ICTR Witness Protection Programme*” of Rwanda Witness Protection Officers organised by the ICTR began in Arusha on 16 November 2009. The workshop brought together thirty-five officials from ICTR, Rwanda and Benin and the Tribunal enabled the

Rwandan officials to get familiarized with the ICTR Witness Protection Programme.

The workshop is part of the Cooperation and Capacity Building Programme being undertaken by the Tribunal to assist Rwanda develop a system which will enable its witness protection programmes to adapt to local dynamics and realities on the ground.

This assistance was requested for by the Rwanda Government in its efforts to rehabilitate and strengthen the capacity of its justice sector.