



UN-ICTR Gets Own Prosecutor



Mr. Hassan Bubacar Jallow

The United Nations International Criminal Tribunal for Rwanda finally has its own Prosecutor. This

follows the appointment by the UN Security Council of Mr. Hassan Bubacar Jallow from The Gambia as the Prosecutor. Mr. Jallow succeeds Mrs. Carla Del Ponte from Switzerland whose mandate expired on 14 September 2003. Mrs. Del Ponte for her part was appointed as Prosecutor for the International Criminal Tribunal for former Yugoslavia (ICTY). The appointment of these two Prosecutors for a four-year mandate each was effective from 15 September 2003. Mr. Jallow was until his appointment permanent Judge at the Special Court for Sierra Leone.

On 28 July 2003 Mr. Kofi Annan, the UN Secretary General, had written to the Security Council, asking for separate prosecutors for the ICTR and ICTY. He said separating the job was in the interest of efficiency and effectiveness as the courts attempt to complete their work by year 2008 as requested by the UN Security Council.

A month later, on 28 August 2003, the Security Council by its

Resolution 1503 amended Article 5 of the Statute of the ICTR so that as of 15 September 2003 the International Criminal Tribunal had its own Prosecutor.

Mr. Jallow served as Gambia's Attorney-General and Minister of Justice from 1984 to 1994 and later as a Judge of The Gambia's Supreme Court. In 1998, he was appointed by the United Nations Secretary-General to serve as an international legal expert and carry out a judicial evaluation of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for former Yugoslavia. He has also served as a legal expert for the Organization of African Unity and the Commonwealth and worked towards drafting the African Charter on Human and People's Rights, which was adopted in 1980.

Judge Jallow was awarded the honor of the National Order of the Republic of The Gambia. He is a member of the International Advisory Council of the African Society of International and Comparative Law.

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The Prosecutor, Mr. Jallow (extreme left) and the Registrar Mr. Adama Dieng (extreme right) with the judges of the Tribunal

Ad litem* Judge Sworn In



Judge Solomy Balungi Bossa

Judge Solomy Balungi Bossa from Uganda, one of the eighteen *ad litem* Judges elected by the General Assembly, was sworn in on 1 September 2003. The ceremony was administered by the President of the Tribunal, Judge Erik Møse, and witnessed on behalf of the Secretary-General by the Deputy Registrar, Mr. Lovemore Munlo who was representing the Registrar, Mr. Adama Dieng. The swearing-in ceremony took place in the presence of Trial Chamber Judges, the Deputy Prosecutor and representatives of the Defense Counsel.

Born on 14 April 1956, Judge Solomy Balungi Bossa started her career in 1980 as a lecturer at the Law development centre in Uganda. From 1988 to 1997, she was an advocate with the High Court of Uganda. In 1997, she was appointed as judge of the High Court of Uganda. Judge Solomy Balungi Bossa was appointed in 2001 as one of the first woman judges of the East African Court of Justice.

** Ad litem judges are chosen from a 'pool' of judges elected by the General Assembly of the UN to assist in particular cases. They will assist the ICTR by allowing each Trial Chamber to split into two sections of three judges each. This will double the trial capacity of each Chamber and will thereby enable the Tribunal to complete its mandate as expeditiously as possible.*

Ad litem Judge Sits in Ndindabahizi Trial

The opening, on 1 September 2003, of the trial of Emmanuel Ndindabahizi, former minister of Finance in the Interim Government of Rwanda from April to July 1994, before Trial chamber I heralded the first time an *ad litem* Judge was sitting in a trial before UN International Criminal Tribunal for Rwanda. The Judge is Solomy Balungi Bossa from Uganda who was sworn in on the same day. Other Judges of the Trial Chamber are Judge Erik Møse (Presiding) from Norway and Judge Khalida Rachid Khan from Pakistan.

During his opening statement, the Prosecutor said that he wishes to finish his presentation of evidence within four weeks. Pursuant to Article 84 of the Rules of Procedure and Evidence, the Defense Counsel will make his opening statement after the presentation of the evidence by the Prosecutor.

Emmanuel Ndindabahizi is charged with genocide, extermination and murder as crimes against humanity. He is alleged to have led a campaign of extermination against the civilian population identified as Tutsi in Kibuye Prefecture. The campaign was concentrated in the region where the accused spent his childhood, and where he had risen through the local and regional political administration to become a Government Minister.

Mr. Ndindabahizi is alleged to have incited and ordered persons at roadblocks in Kibuye Prefecture to kill civilians identified as Tutsi. At times, he individually addressed local administrative officials and named particular civilians to be killed. Ndindabahizi is represented by Defense Counsel, Pascal Besnier from France.

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Trial Chamber Handling Two Alternate Trials Daily

On 1 September 2003, Trial Chamber I began to sit alternately every day in the "Military I" case in the morning session from 08:30 to 13:00, composed of Judges Møse (Presiding), Reddy and Egorov and in the Ndindabahizi case composed of Judges Møse (Presiding), Khan and Bossa, in the afternoon session from 14:00 to 19:00.

The move is part of the Tribunal's strategy to expedite trials before it and ensure that the completion strategy set for year 2008 by the UN General Assembly is met.

The Registrar Attends the UN Advisory Committee on Administrative and Budgetary Questions (ACABQ) Session in New York



Mr. Adama Dieng, Registrar

From 15 to 18 September the Registrar, accompanied by the Chief of Finance Section, Saviour Kuzhinapurathu and his Special Assistant, Mandiaye Niang, was in New York to attend a session of the United Nations Advisory Committee on Administrative and Budgetary Questions (ACABQ).

The Session considered the budget of the ICTR for the biennium 2004-2005. Members of the ACABQ wanted to know from the Registrar details of the Tribunal's budgetary request submitted to them through the Office of Programme Planning, Budget and Accounts (OPPBA), the technical instance of the UN vested with the authority and the expertise to present the proposed budget.

The ACABQ session took place in the context of zero growth budget decided by the General Assembly, although the Tribunal is embarking upon an exit strategy which necessarily leads to an increase of its expenditure. The work load of the ICTR has increased with the Tribunal now holding more simultaneous trials than before. *Ad litem* Judges are now on board. This triggers the need for additional support staff. The ICTR will also have more Defence Counsel attending to indigent accused.

The Registrar satisfactorily attended to all queries and fully explained the new context under which the Tribunal is now operating. The members of the ACABQ appreciated the Registrar's concern that it would be difficult to expect the ICTR to deliver if it was deprived

of the minimum resources necessary. The new Legal Aid program has been reviewed to the satisfaction of the members of the ACABQ who commended the Tribunal's efforts to make it more effective.

The Registrar is confident that the ACABQ, when making its recommendation to the 5th Committee of the General Assembly, will support its budgetary request.

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ICTR reaches out to its external audience to ensure support for its work

During the months of August and September 2003, Mr. Roland Amoussouga, Chief of External Relations and Strategic Planning Section and ICTR Spokesperson, at the request of the Registrar, undertook a series of official missions aimed at increasing the public awareness of the work of the Tribunal, harnessing political support and mobilizing financial resources for the Tribunal as well as for the replenishment of the ICTR Voluntary Contribution Trust Fund.



Mr. Roland Amoussouga, Chief, External Relations and Strategic Planning Section and ICTR Spokesperson

From 23 to 29 August 2003, Mr. Amoussouga met with twenty (20) Ambassadors and Senior Officials of various Diplomatic Missions in Dar-es-Salaam, Tanzania in order to seek support from their Governments.

While in Dar-es-Salaam, the Chief of External Relations provided in-depth briefings on the work and proposed completion strategy of the Tribunal. He sensitized the Diplomatic Representatives on the financial difficulties of the ICTR so as to enlist their support.

In addition, Mr. Amoussouga asked for their support to ICTR Biennium budget proposal (2003-2004) during the forthcoming General Assembly's budgetary session in October or November 2003 and invited them to make financial contributions for the replenishment of the ICTR Voluntary Trust Fund to enable the ICTR to consolidate its outreach programme. Mr. Amoussouga further discussed and explored ways and means to strengthen the relationship between the Diplomatic Corps Representations in Dar-es-Salaam and the ICTR.

As per the feelings expressed by the various Representatives, one can say that these meetings have enabled them to fully grasp the major challenges facing ICTR and to offer ICTR their renewed interests in knowing what is happening with the Tribunal in Arusha as some of the Representatives are tasked with regular reporting duties on the activities of the ICTR back to their respective Governments.

The States' Representatives seized the opportunity to reiterate to the ICTR the assurances of their continued support to its work and to commend ICTR for its strategic changes and approaches vis-à-vis the Diplomatic Corps. They unanimously praised the transparency and the amicable approach used by ICTR in maintaining contact with and informing the Diplomatic Corps on the progress of ICTR activities.

On 30 August 2003, Mr. Amoussouga also participated, on behalf of the Registrar, as keynote speaker at the annual conference of the Law Society of Kenya held at Whitesands Hotel in Mombasa, Kenya. Mr. Amoussouga took advantage of the occasion at which the attention was being focused on the work of the Tribunal in order to share with the participants the numerous and important challenges and achievements of the Tribunal. The East African legal practitioners praised the achievements of the ICTR, which were not well known to them. They gladly accepted to live up to the challenge of getting involved in the work of the Tribunal and to ensure that ICTR's jurisprudence is used in domestic litigation involving human rights issues before national jurisdictions in the East African countries. They also agreed to develop a close working relationship with ICTR in ensuring a wide dissemination of its judicial output.

The participants also requested to be included in the ICTR distribution list so that they can receive regular ICTR publications. They further expressed the need to develop legal and institutional partnership with the ICTR by associating ICTR to their regional events as well as through organized regular visits to the seat of the Tribunal for in-depth briefings on the work of the Tribunal. Some of the participants recommended the participation of ICTR's Representatives to ongoing legal thinking process and debates in which reflections are conducted on the significance and the leading role of the ICTR in the establishment and promotion of good governance and the rule of law in the East African countries.

From 25 to 27 September 2003, on behalf the Registrar and at the invitation of the European Initiative for Democracy and Human Rights in the Europe Aid Office of the European Commission, Mr. Amoussouga, participated in Naples (Italy) at a conference on the International Criminal Court (ICC). The Conference reviewed the modalities of further strengthening the cooperation between the ICC, the ad-hoc Tribunals (ICTR, ICTY, Special Court of The Sierra Leone) and other stakeholders with the financial support of the European Commission. The Conference also discussed key issues such as the implementation of the Statute of the ICC in the Italian Legislation, the strengthening of the ICC, the Establishment of the System of the Rome Statute, the building of an International Community of the ICC and Defence Counseling initiatives. Mr. Francesco de Angelis, the Italian Director for Horizontal Operation of the EuropeAid at the European Commission in Brussels, who was the Chairperson of the said Conference, assured the ICTR of the full support of the European Commission in enhancing ICTR operational capacity building and in promoting of the Rule of Law and International justice system. He also promised to ensure that the seven projects submitted by the ICTR for funding purposes receive a favorable review by the European Commission Board by early next year. It is to be noted that the said ICTR's projects, which amount approximately to two (2) millions Euros, cover the following: (a) Witnesses and Victims Support, (b) File Conversion in TRIM Electronic Record Keeping System, (c) Feasibility Study for Remote Electronic Filing of judicial documents, (d) Deferred Real Time Court Reporting, (e) Information Management and Security, (f) Umusanzu Extension, (g) Prosecutor's Capacity Building.

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Rwandan Judicial Officials Visit the ICTR



Twenty Rwandan senior judicial officials composed of two groups of 10 officials each, visited successively the Headquarters of the International Criminal Tribunal (ICTR) in Arusha (Tanzania) from 15 – 19 and 22 – 26 September 2003. The visits were at the invitation of the Registrar of the Tribunal, Mr. Adama Dieng.



The officials, comprising of Judges, Prosecutors and senior officials from the Ministry of Justice, visited the ICTR as part of the efforts to strengthen the co-operation between the Rwandan judicial system and the Tribunal.

During their visits, the groups held discussions with senior officials of the Tribunal including the President Judge Erik Møse, the Registrar Mr. Adama Dieng, the Judges and the Deputy Prosecutor Mr. Majola Bongani. The delegates also attended some of the on-going trials at the ICTR. They were particularly interested in the Military I Trial before Trial Chamber I, presided by the President of the Tribunal Judge Erik Møse.

The visits provided both the visitors and the Tribunal an important opportunity to increase information sharing and mutual understanding between the Rwandan Judicial system and the ICTR. The visitors appreciated the challenges the ICTR was facing in implementing its mandate and commended the efforts being made by the Tribunal to address these challenges. They reiterated the commitment of the Rwandan authorities to continue providing full support to the work of the Tribunal.

The talks addressed among other issues, the witness protection programme, employment opportunities, the pace of trials and the completion strategy of the Tribunal. Senior officials of the Tribunal took the opportunity to brief the visitors on the ICTR policy and how challenging issues were being handled by the Tribunal.

Both parties stressed the view for compensation to victims and stated that this would be a major contribution to help Rwanda to successfully recover from the genocide experience. They also underscored the need to enhance exchange of information and outreach activities in an effort to enable Rwandans to fully understand and appreciate the work of the Tribunal.

The visit are part of a joint effort by the Tribunal and the Rwandese Authorities to consolidate the ICTR's relationship with the Rwandan community in general. Similar visits of groups from other sectors of Rwandan society are envisaged.

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Tribunal Participates at the Annual Meeting of the Coalition for Women's Human Rights in Conflict Situations

Upon the invitation of Rights & Democracy, an autonomous institution, created by the Canadian parliament to strengthen democratic development, through capacity building in human rights issues (see website at www.ichrdd.ca for Rights and Democracy's outreach programmes), three Tribunal Staff-Members, Ms. Melanie Werrett, Chief of Prosecutions, Ms. Elsie Effange-Mbella, Adviser, Gender Issues and Assistance to Victims, Office of the Registrar, and Ms. Gorretty Omala, Team Leader, Sexual Assaults Investigations Team, Office of the Prosecutor, recently participated in the Annual Coordination Meeting of the NGO Coalition for Women's Human Rights in Conflict Situations. The meeting convened in Montreal, Canada from 19 to 21 September 2003 at the International Centre for Human Rights and Democratic Development.

One of the major topics in the Coalition's agenda this year was its monitoring project on the prosecution of Gender Crimes at the ICTR. In this connection, it will be recalled that relations between the Coalition and the ICTR date as from 1996 when the NGO wrote to Judge Goldstone, then Prosecutor, suggesting that consideration be given, in the August 7 1996 indictment against Jean-Paul Akayesu, to the inclusion of a charge on command responsibility for the use of rape as a form of torture and instrument of genocide; and urging the Prosecutor to conduct the necessary investigations. The Coalition later submitted an Amicus Brief to the Court on May 27, 1997 respecting the amendment of the Akayesu indictment and supplementing the evidence to ensure the prosecution of rape and other sexual violence within the competence of the Tribunal. The organization has since then militated at the bilateral and multilateral levels to maintain rape and sexual violence on the agenda of ICTR's prosecution of the Rwanda genocide.

The meeting of 19-21 September 2003, and the participation of ICTR staff was therefore in keeping with that momentum generated since 1996. This year, the discussions and recommendations of the Coalition focused on measures aimed at building evidence and filling the gaps in relation to gender crimes such as inter-alia, strengthening efforts aimed at crafting a comprehensive prosecution strategy on gender crimes; developing the jurisprudence on HIV/AIDS and sexual slavery; and reviewing the mandate, role and responsibilities of the Sexual Assault Team of the Office of the Prosecutor.

Regarding the Registry, discussions and recommendations of the Coalition at its annual meeting centered on measures aimed at ensuring adequate assistance and protection to witnesses. Within the latter context, key elements reviewed entailed the role

and responsibilities of the Gender Advisor position as being, inter-alia, a “watchdog” for ensuring support to witnesses; building a relationship with Rwandan NGOs; and building a more strategic plan for handling the difficult question of HIV/AIDS and victims of rape testifying before the Tribunal.

The ICTR delegation on September 22, 2003, also availed itself of the opportunity offered by Rights and Democracy, to brief Political Science, Law and other students of the University of McGill and Quebec University in Montreal, of the work of the Tribunal. Certain Defence Advocates, among them, for the Special Court in Sierra Leone, also attended these briefing sessions.

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“Audiovisual Archives: Memory and Society”

A delegate from the ICTR was among approximately 120 delegates from North America, Europe, Africa, Asia, and Australia who attended the 34th annual conference of the International Association of Sound and Audiovisual Archives (IASA). The theme of the conference was “Audiovisual Archives: Memory and Society”, and it was hosted by the National Archives of South Africa and the Music Department of the University of Pretoria from 21 to 25th September 2003.

As a member of the Co-ordinating Council of Audiovisual Archives Associations, IASA, acts as a medium for international co-operation among organizations that archive audiovisual and sound recordings. It was formed in 1969, and its main purpose is to facilitate the exchange of information among audiovisual and sound archives in all relevant fields, especially acquisition and exchange, documentation and metadata, resource discovery and access, copyright and ethics, conservation and preservation, and research and publication.

During the talks, Ms. Martha Hunt, Audio-Visual Archivist, Judicial Records and Archives Unit, Court Management Section, representing the ICTR, presented a paper on the audiovisual collection of the ICTR in a panel discussion entitled “The Role of Archives in the Process of Reconciliation”. In her paper, she briefly described the work being done at the ICTR, detailed the nature of the audiovisual holdings and the future plans for the conservation, preservation, and access of these materials. The paper highlighted the various roles that the ICTR audiovisual materials can and do play in the reconciliation process in Rwanda.

The delegates were very interested in and supportive of the work being done by the ICTR. They were very open and helpful in describing the nature and condition of the collections in their respective institutions, the obstacles they currently face or have overcome, and the preservation and access plans that are in place for the

future of their collections. Among the topics discussed during the conference were: the importance of archival memories for society, the steps being taken to archive traditional African music, various oral history projects, the role of an audiovisual archive in research, and digital storage and cataloging techniques. The results of a study on the suitability of CD-Rs for archival storage were presented, and a tour of the National Film, Video and Sound Archives of South Africa was arranged.

The conference focused on the importance of audiovisual and sound recordings for memory and society. It provided an excellent learning opportunity for all of the delegates in attendance. In spite of the disparate memories and societies the representative archives are charged with maintaining, all face similar ordeals, obstacles and opportunities. A well-structured yet relaxed environment facilitated this sharing of ideas and the exchange made possible by this conference will have a truly global reach.

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Four Months at the ICTR



Ian Gould, Intern

It was in the Netherlands that I first had the idea. I was staying with a friend, then an intern at the ICTY, and listened in fascination – and with some degree of envy - as she described her experiences in the Hague.

But I kept my real wonder for the story of her friend, who had secured an internship with another organisation, the ICTR.

For an unreformed travel junkie like myself, tales of quitting wintry Europe for Tanzania, Swahili classes and a tiny country called Rwanda had me begging for more.

My mind raced: why shouldn't I try my chances at a similar position? Well, first there was the small matter of qualifications: my knowledge of international law was decidedly shaky, my grasp of the Rwandan conflict even more so. Add to that the thought of fierce competition, and it all seemed a little unattainable. So I put the idea on hold as I returned to Australia to complete my final year at university.

But it didn't go away. Whenever I turned my attention to life after study, the prospect of a few months at the ICTR was there. Then a curious thing happened. Halfway through last year, I came across a book that dealt with Rwanda. Flicking through the pages, I was transfixed. Over the next few weeks, I went about remedying my ignorance; a couple of months later I compiled the paperwork and sent off my application to the ICTR.



I got the letter in the middle of an Australian summer. What would the UN-stamped envelope contain? Relief. I had been accepted to the ICTR internship program. Goodbye Sydney, I thought, I'm off to Africa. A few weeks later, in April of this year, I arrived in Arusha.

Since then, I've gone about acquainting myself with the work of the ICTR's Press Section, getting a good overview of how the Tribunal operates. The work has

been a challenge, but I'll remember other aspects of my time here most vividly: an environment in which you can hear a dozen languages each day; a trip to Rwanda in the middle of my internship; and the variety of people I have met.

I'm afraid to say, though, that the internship has left one thing unchanged – my wanderlust. I don't know when I'll be back in Africa. But I will be.

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