



# ICTR NEWSLETTER

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United Nations International Criminal Tribunal for Rwanda

## Norwegian Prime Minister Visits the Tribunal

Monday 11 October 2004 was a special and hectic day at the Arusha offices of the United Nations International Criminal Tribunal for Rwanda. It was a day when the Prime Minister of Norway H.E. Kjell Magne Bondevik visited the Tribunal and was briefed about the work of the ICTR and its completion strategy. The Prime Minister who arrived in the afternoon was accompanied by the Norwegian Minister for International Development, H.E. Ms. Hilde Frafjord Johnson and by the Tanzanian Minister of Foreign Affairs and International Co-operation, H.E. Jakaya M. Kikwete.

After briefly attending the trial of Father Seromba, the visiting delegation sat down to business. The President of the Tribunal, Judge Erik Møse, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar Mr. Adama Dieng briefed the delegation about the complex work of the ICTR, about the trials completed, trials in progress and cases at the pre-trial stage. The Tribunal officials assured the delegation that the ICTR was on target to complete all trials by 2008 as required by the United Nations Security Council. "We are on schedule according to our



The Norwegian Prime Minister (fourth left), H.E. Kjell Magne Bondevik in a group photo with (from left) Hon. Mohamed Babu, Regional Commissioner for Arusha; Mr. Hassan B. Jallow, Prosecutor of the ICTR, H.E. Ms. Hilde F. Johnson, Norwegian Minister for International Development, Judge Eric Møse, President of the ICTR, H.E. Jakaya M. Kikwete, Tanzanian Minister of Foreign Affairs and International Cooperation and Mr. Adama Dieng, Registrar of the ICTR

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completion strategy. Your visit here today provides us with an inspiration to continue our mission," said Judge Møse.

The ICTR officials commended the Government and the people of Norway for their unwavering direct support to the work of the Tribunal and through the United Nations.

They also commended the Norwegian Government for its financial contribution to construct a fourth courtroom. This they said was another eloquent testimony of the continuing strong support which Norway provides to the ICTR.

Norway provided the Tribunal with gratis personnel when the ICTR was in dire need of experienced staff. It also helped the ICTR financially through voluntary contributions to the Tribunal's Trust Fund.

Tribunal officials emphasized the need for

continued support from all Member States to arrest and transfer persons indicted, to provide financial support and assistance with the movement and protection of ICTR witnesses.

The Norwegian Prime Minister pledged his government's continued support to the important work of the Tribunal and commended the achievements it has made in bringing to justice people responsible for the commission of genocide and other serious violations of international humanitarian law in Rwanda in 1994.

Prime Minister Bondevik said Norway has passed legislation to prosecute human rights violators in its courts and to follow up on the recommendations of the ICTR. He also pledged to follow up at the General Assembly to encourage payments to the ICTR by Member States who are in arrears.



## We are Determined to Complete Trials by 2008

**Excerpts from an interview of Justice Hassan Jallow, Prosecutor of the ICTR, published in the "East African". Justice Jallow spoke to Special Correspondent Sukhdev Chhatbar.**



*Justice Hassan Jallow of the Gambia was appointed to head the Arusha-based International Criminal Tribunal for Rwanda (ICTR) for the next four years to replace Swiss lawyer Carla Del Ponte, following a Security Council decision to create a separate prosecutor for the ICTR.*

**Q:** You have completed exactly a year since you were appointed as the Chief Prosecutor of the ICTR. What are the hurdles at the tribunal?

**Ans:** The biggest challenge we now face is completion of our mandate within the time frame determined by the Security Council. Meeting that challenge requires the fullest international cooperation from member states. They should provide the necessary human and material resources to enable us finish the workload in time at the ICTR.

**Q:** What measures have you taken to expedite the trials at the tribunal?

**Ans:** Expediting the judicial proceedings is of great concern to the Tribunal. Progress in this area requires measures, and cooperation, in all branches of the Tribunal - the Trial Chambers, the Office of the Prosecutor, the Registry and the Defence.

**Q:** Do you think you will be able to meet the UN deadline of 2008 to finish off all the cases?

**Ans:** The Security Council deadline is to complete the trials at first instance by the end of 2008 and the appeals by the end of 2010. That means closure by the end of 2010. I believe we are capable of meeting these deadlines. The workload we have undertaken following revision of the Completion Strategy last year is one that we can complete.

**Q:** Defence lawyers have expressed their apprehension at the move to farm out some of the trials to Rwanda and some European countries calling it a violation of human rights.

**Ans:** The transfer of a case whether to Rwanda or elsewhere does not by itself constitute a violation of the human rights of the accused. It should always be remembered that Rwanda, as well as some other countries and the ICTR exercise concurrent jurisdiction over these cases, with of course the ICTR enjoying primacy. What is important is to ensure that an accused person is not transferred for trial to a jurisdiction where he is not likely to have the benefit of

a fair trial or where he is likely to suffer a penalty, such as the death penalty, which is more severe than what he would have been subjected to if he were tried and convicted at the Tribunal.

**Q:** There are reports that some countries are not cooperating in arresting some genocide suspects. How are you coping up with this?

**Ans:** We continue to discuss the issue with some countries and look forward to some progress. There has been some significant cooperation recently, with the Democratic Republic of Congo handing over *Yusuf Munyakazi*, South Africa delivering *Gaspard Kanyarukiga* and the Netherlands arresting *Ephrem Setako* who is expected to be transferred to the Tribunal shortly. Nonetheless a number of high level indictees still remain at large—up to 14 of them. And they are located living in African countries. It is necessary that all countries live up to their legal obligations to apprehend and transfer such fugitives to the Tribunal.

**Q:** Since you arrived at the tribunal, you have revised the indictment policy. What is the revised policy?

**Ans:** Last year, the OTP reviewed and revised its indictment policy in two respects. First, we decided that we would try as much as possible to proceed with single accused cases and avoid joint indictment of large numbers of accused. The latter cases take a longer time to complete. The single accused cases, from our experience at the ICTR can be concluded remarkably quickly. Second, we have decided that our trial attorneys must take all steps to ensure that by the time we file an indictment for confirmation, we are ready to proceed immediately with the trial.

**Q:** The controversial issue of indicting RPF soldiers has come to fore several times. What is your position on this?

**Ans:** We are required to address the allegations that have been leveled against the RPF. As I reported to the Security Council in June this year, we are doing so.

**Q:** In the past we had seen strained relations with Rwanda including the genocide survivor groups. What is the position now?

**Ans:** Relations between the ICTR and Rwanda continue to be good. We are getting cooperation in respect of witnesses and investigations. Sometimes of course there are delays in obtaining responses but these are not insurmountable and do not appear to impact adversely on the state of relations.

**Q:** About the genocide in Darfur, Sudan. Do you think African leaders are taking a leaf from the ICTR trials?

**Ans:** It is fair to say that African leaders are taking a leaf from the work of the ICTR. There may of course be exceptions. But the response of the leaders individually and collectively through the African Union has demonstrated their concern that international humanitarian law should be respected in Darfur as well



as in other places. There is a growing realisation that peace, security and development are very much dependent on respect for human rights and the rule of law.

Q: Do you agree that once ICTR closes down in 2008, Africa should set up its own Court, under the umbrella of the ICC, but based in a selected African country?

Ans: As we approach closure by 2010, I believe serious consideration should be given to finding ways of maintaining and putting to good use the legacy of the human capacity, the infrastructure and jurisprudence that the ICTR will be leaving behind. There are many options including as you suggest, the use of the facilities by the ICC particularly in relation to its work in the Africa region. There may be several other options as well worth exploring.

Q: Recently, you raised concern over delayed payment of funds to run the tribunal. What is the situation now?

Ans: The situation over delayed payment of contributions has not improved significantly. As a result, the freeze on recruitment and the squeeze on other expenditures continue to be a major constraint for the Tribunal

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### Prosecution Concludes Presentation of Evidence in Two Major Trials

The Prosecution at the ICTR has rested its case in two major trials: the Military I trial, which involves four former high-ranking military officers in the Rwandan Army; and the "Butare" trial against six Accused from Butare prefecture in Rwanda.

The four Accused in the Military I trial are *Colonel Théoneste Bagosora*, a former Director of Cabinet in the Rwandan Ministry of Defence; *General Gratien Kabiligi*, the former head of military operations of the Rwandan Army; *Lieutenant Colonel Anatole Nsengiyumva*, the former military commander of Gisenyi Prefecture in northwest Rwanda; and *Major Aloys Ntabakuze*, the former commander of the army's para-commando battalion. The Accused are charged with genocide, crimes against humanity, and serious violations of the Geneva Conventions and their Second Additional Protocol. The trial opened on 2 April 2002 before Trial Chamber III. After the non-reelection of one Judge and the announced retirement of another, the case was transferred to Trial Chamber I, composed of Judges Erik Møse of Norway (presiding), Sergei Alekseevich Egorov of Russia, and Jai Ram Reddy of Fiji. The Chamber heard 80 witnesses over 168 trial days, amongst them expert witness Filip Reyntjens and Lieutenant General Romeo Dallaire. The Prosecution closed its case on 14 October 2004, subject to a motion for admission of additional evidence by written procedure. The Defence case is scheduled to commence on 12 January 2005.

In the Butare trial, being heard by Trial Chamber II, the Prosecution closed its case on 18 October 2004 after the testimony of 55 witnesses. One additional Prosecution witness, a handwriting expert, will be called on 4 November 2004. The trial opened on 12 June 2001 and adjourned on 26 March 2003 due to the non-reelection of one of the judges. The case resumed on 26 January 2004 before Judges William Hussein Sekule of Tanzania (presiding), Arlette Ramarason of Madagascar, and Solomy Balungi Bossa of Uganda. The trial was conducted concurrently with two other cases before Trial Chamber II, *Kajelijeli* and *Kamuhanda*, in which judgments were rendered in December 2003 and January 2004, respectively. The Butare trial involves six Accused, the highest number in a trial before the Tribunal. They are *Pauline Nyiramasuhuko*, former Minister for Family and Women Affairs; her son, *Arsène Shalom Ntahobali* who is alleged to have been a militia leader; *Sylvain Nsabimana* and *Colonel Alphonse Nteziryayo*, two former prefects of Butare; and *Elie Ndayambaje* and *Joseph Kanyabashi*, two former mayors of Butare. The Accused are charged with genocide, crimes against humanity, and serious violations of the Geneva Conventions and their Second Additional Protocol. The presentation of the Defence case will commence on 31 January 2005.

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### Trial of Lt. Col Simba Resumes

On Monday 24 October 2004 the trial of former Rwandan army officer, *Lt. Colonel Aloys Simba*, resumed before Trial Chamber I, composed of Judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russia), and Dennis C. M. Byron (St. Kitts and Nevis). The trial, which began on 30 August 2004 was adjourned on 27 September 2004 at the request of the defence after the testimony of 11<sup>th</sup> Prosecution witness.

The Accused, aged 62, is charged with four counts: genocide, complicity in genocide, and crimes against humanity (extermination and murder). These crimes were allegedly committed during massacres in two provinces in southern Rwanda. The Accused has pleaded not guilty to the charges.

The trial resumed with the testimony of the 12<sup>th</sup> witness who has already confessed to the Rwandan authorities that he had taken part in the genocide. The witness, who is protected, accused *Colonel Aloys Simba* of having distributed machetes and guns to militia as well as killing a Tutsi military police in 1994.

*Aloys Simba* was arrested in Senegal on 27 November 2001 and transferred to the UN Detention Facilities in Arusha on 11 March 2002. He is represented by Me. Sadikou Alao (Benin) and Beth Lyons (USA). The Prosecution is headed by Richard Karegyesa (Uganda).





## The Prosecutor meets the Gambian President



*ICTR Prosecutor Mr. Jallow (left) with the Gambian President, Dr. Yahya Jammeh*

ICTR Prosecutor Hassan Jallow met the Gambian President Dr. Yahya Jammeh in Arusha in October 2004. Justice Jallow briefed the Gambian president on the activities of the Tribunal. Dr. Jammeh was on a three-day state visit to Tanzania.

## Team Building Workshop



From 4 to 8 October 2004, the Training, Staff Welfare and Counseling Unit of the Human Resources and Planning Section, Division of Administrative Support Services(DASS), organized a Team Building workshop for ICTR Mid-Level Managers and staff members with supervisory responsibilities.

During the opening ceremony Ms. Michelle Lee the Chief, Division of Administrative Support Services (DASS) reminded the participating of Secretary-General's bulletin of 13 October 1999 (ST/SGB/1999/15) to all staff members, in which he communicated the model of Core Values, Core Competencies and Managerial Competencies in the context of his overall human resource management reform. The Organizational core competencies, which include teamwork among others, are the skills, attributes and behaviours which are considered important for all staff of the Organization for the successful performance of their jobs, regardless of their function or level.

Ms. Lee added that training has been identified as one way that staff members can acquire these shared principles and beliefs that underpin the work of the organization and guide the actions and behaviors of its staff.



Participants were trained using various metaphors, outdoor activities and debriefing sessions on: promoting teamwork, enhancing resources, skills in effective Team Communications, time management, work planning, creative problem-solving and decision-making, and client-service. Eighty(80) staff members were awarded with certificates by the Chief, DASS and the Chief of Human Resources and Planning Section on behalf of the Registrar of the tribunal.

The workshop took place from 4 through 8 October 2004 at the Ngurdoto Mountain Lodge, approximately 30 minutes drive from Arusha.

