



ICTR Newsletter

Published by the Communication Cluster—ERSPS, Immediate Office of the Registrar
United Nations International Criminal Tribunal for Rwanda

October 2009

22nd Plenary Session



Photo of the Appeals Judges taken in February 2009. Judge Shahabudeen has since retired and Judge Carmel Agius has replaced him.
From l-r: Judge Mehmet Güney, Judge Shahabudeen, Judge Patrick Robinson, Judge Andrésia Vaz,
Judge Fausto Pocar, Judge Liu Daqun, Judge Theodor Meron

The 22nd Plenary Session of the United Nations International Criminal Tribunal for Rwanda took place in Arusha on 1 October 2009. It brought together the Judges of the Appeals Chamber, Trial Chambers, the Prosecutor and the Registrar. The

Plenary was chaired by the President of the Tribunal, Judge Dennis Michael Byron.

During the Session, the Plenary adopted an amendment to the Rules of Procedure and Evidence to include Rule 71 *bis*: Preservation of Evidence by Special Deposition for Future Trials. This proposal arises from a situation of concern of the Prosecutor's Office: twelve ICTR indictees are yet to be apprehended and the Tribunal faces an increasing loss of witness evidence, fifteen years after the genocide, which will deteriorate over time.

The proposal was first introduced by the Prosecutor at the 21st Plenary held in May 2009 and was subsequently revised by the Rules Committee, expanded by representatives of the Office of the Prosecutor and Defence Counsel, to take into account concerns raised during the discussions at the 21st Plenary.

This rule aims at securing evidence relating to an indictment to be available for a future trial by special deposition recorded in a proceeding conducted by a single Judge, should a warrant of arrest not been executed within a reasonable time or, in exceptional circumstances, in the time during an

arrest, and the transfer of the accused to the Tribunal. The new Rule provides for Duty Counsel to represent the interests of the accused and the right of this Counsel to request the taking of depositions from defence witnesses in the same way as Prosecution can request.

Rule 71 *bis* applies to a situation where the accused is not before the Tribunal while the evidence is heard: fair trial issues such as the accused's right to defend himself in person or through legal assistance of his own choosing (art. 20(4) (d)), and the right to cross-examination (Art. 20 (4) (e)) were considered at length by the Judges. The Judges adopted the proposal with 10 out of 11 permanent judges supporting, Judge Liu Daqun voting against) and endorsed the reasoning of the Rules Committee that the proposed rule serves important interests of justice and does not impair the fair trial rights of the accused, more than is necessary to accomplish its objectives.

The Prosecutor had previously expressed his intention to request special deposition proceedings with respect to the four high-level fugitives earmarked for trial before the Tribunal.

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ICTR Judicial Activities

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

1. Trial Chamber I

Ongoing trials

Munyakazi

The Trial Chamber heard the testimony of the Accused - the last witness in the case - on 14 and 15 October 2009, and issued one Order. It set a 7 December 2009 deadline for the submission of closing briefs, and scheduled closing arguments for 28 and 29 January 2010.

Cases where closing arguments are awaited

Setako

Closing briefs were filed on 2 October, and the Prosecution filed a corrected version on 7 October 2009. The Chamber issued a decision dated 15 October 2009 granting a Defence motion for the admission of a document. Closing arguments are scheduled for 5 November 2009.

Cases where judgement delivery is awaited

Nsengimana

Deliberations in this case are ongoing. The Chamber will announce the date of judgment shortly.

2. Trial Chamber II

Ongoing trials

Hategekimana

The Defence in the trial of Ildephonse Hategekimana closed its case on 6 October 2009 after calling 20 witnesses. The Parties' closing briefs are scheduled to be filed on 15 January 2010, their closing arguments are to be heard on 25 February 2010.

During October 2009, the Chamber issued three written decisions. A site visit to Rwanda will take place from 2 to 6 November 2009.

Kanyarukiga

The Defence case is scheduled to take place between 18 January and 12 February 2010. During October 2009, the Chamber issued four written decisions, including the Decision on the Defence Motion for judgement of acquittal and the Prosecution Motions for site visits and alibi particulars.

Ngirabatware

The Prosecution case commenced on 23 September 2009. 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. The Chamber has heard six Prosecution witnesses in the course of the last session.

Three written decisions were rendered this month: on 2 October 2009 a Decision on the transfer of detained

witnesses, on 5 October 2009 a Decision denying a Defence motion for certification to appeal, and on 28 October 2009, a Decision on Defence motion for leave to meet with the husband of a protected Prosecution witness.

Trials in Judgement Drafting Phase

Nyiramasuhuko et al. ("Butare")

The Chamber is involved in deliberations and judgement drafting. On 30 October 2009, the Chamber issued an order *proprio motu* pursuant to Rules 77 and 91, and ordered that a new *amicus curiae* be appointed to conduct investigations with respect to certain witnesses.

Nidiliyimana et al. ("Military II")

The Trial Chamber is involved in deliberations and judgement drafting. It issued one Interim Order in the month of October relating to alleged recantation of a Prosecution Witness.

Bizimungu et al.

Judgement drafting in the case is ongoing.

3. Trial Chamber III

Ongoing trials

Karemera et al.:

The trial resumed on 19 October 2009 with the opening statement of Joseph Nzirorera, the second of the three accused to present his Defence case. The Chamber is sitting half days, four days a week, taking into account the adverse health condition of Mr. Ngirumpatse, the third accused. The Chamber heard three witnesses in October and rendered 12 Decisions.

Bagaragaza (guilty plea)

The sentencing hearing will take place on 3 and 4 November 2009. The Judgement will be rendered on 5 November 2009.

Gatete

The trial commenced on 20 October 2009, and the Prosecution case has been allocated a period of four weeks, with a recess from 23 to 30 October. So far, the Trial Chamber has heard six Prosecution witnesses and will hear another 18 by the close of the Prosecution case. The Trial Chamber rendered a decision on a Defence motion raising defects in the Pre-Trial Brief, a consolidated decision on Defence motions regarding disclosure and postponement of the trial, and a decision on Prosecution and Defence motions for reconsideration. Decisions were also delivered in relation to Prosecution requests to transfer detained witnesses and to vary its Witness List.

Trial to commence in 2010

Bharat Chadha from Tanzania has been appointed Lead Counsel for **Grégoire Ndahimana**, who made his initial appearance on 28 September 2009. The case is at pre-trial stage.



Initial Appearance

Idelphonse Nizeyimana, former second-in-command in charge of intelligence and military operations at ESO (*Ecole des Sous Officiers*), was transferred to Arusha on 6 October, following his arrest in Uganda on 5 October. His initial appearance took place on 14 October before Judge Khalida Rachid Khan. The Accused pleaded non guilty to all counts of the indictment. A date for trial will be set in due course.

Trials in Judgement Drafting Phase

Muvunyi (re-trial)

The Chamber heard the Closing Arguments of the Parties on 2 October 2009. The Chamber is currently deliberating. Judgement delivery is expected for November 2009.

Ntawukuliyayo

The Defence case adjourned on 13 October 2009, after the Chamber heard 16 witnesses over 12 trial days, and will resume on 16 November 2009 to hear the remaining ten witnesses. The same bench will meanwhile hear the Prosecution case in the *Gatete* trial.

Trials to commence soon

Nzabonimana

The Trial is scheduled to start on 9 November 2009. The Trial Chamber held a Pre-Trial Conference on 15 October 2009. It issued five Decisions and one Order during the month of October.

Appeals Chamber

The Appeals Chamber is seized of fourteen matters, including eight cases involving appeals from judgement.

In the *Zigiranyirazo* case, both parties filed notices of appeal in January 2009. The case was heard on 28 September 2009 in Arusha and deliberations are in progress. The Appeal Judgement will be delivered on 16 November 2009.

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 the Appeals Chamber granted an extension of time to Emmanuel Rukundo to file his notice of appeal within 30 days of the French translation of the Trial Judgement. 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.

The Trial Judgement concerning Leonidas *Nshogoza* 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 four interlocutory appeals in the *Muvunyi*, *Karempera et al.*, and *Bizimungu et al.* cases as well as an application from Juvenal *Kajelijeli* concerning post appeal matters and a fifth request for review from Eliezer *Niyitegeka*.

In October, the Appeals Chamber rendered one decision on an interlocutory appeal in the *Karempera et al.* case and 10 pre-appeal orders and decisions.

Decisions of the ICTR from 1-31 October 2009

Date	Record No	Title	TC
02/10/09	ICTR-99-54-0234	NGIRABATWARE - DECISION ON PROSECUTOR'S URGENT REQUESTS FOR AN ORDER TRANSFERRING DETAINED WITNESSES ANQ AND ANAI PURSUANT TO RULE 90 BIS	TC 2
02/10/09	ICTR-98-44-4132	KAREMERA ET AL - DECISION ON REMAND FOLLOWING APPEAL CHAMBER'S DECISION OF 29 MAY 09	TC 3
02/10/09	ICTR-00-61-0100	GATETE - DECISION ON DEFENCE MOTION RAISING DEFECTS IN THE PROSECUTION PRE-TRIAL BRIEF OF 19 AUGUST 09	TC 3



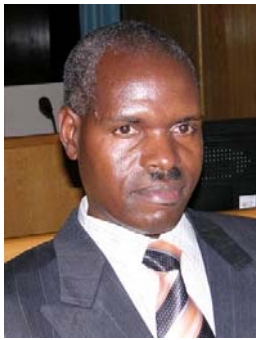
Date	Record No	Title	TC
05/10/09	ICTR-99-54-0239	DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TC DECISION DATED 17 SEPTEMBER 09	TC 2
05/10/09	ICTR-98-44-4133	KAREMERA ET AL - PROSECUTOR'S BRIEF: RESPONSE TO MATTHIEU NGIRUMPATSE'S APPEAL AGAINST DECISION EN RENVOI.....EN DEMANDE DE MISE EN LIBERTE PROVISOIRE	AC
07/10/09	ICTR-99-50-2123	BIZIMUNGU ET AL - DECISION ON MOTION FOR EXTENSION OF TIME TO FILE APPEAL	AC
07/10/09	ICTR-98-44-4137	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON SELECTIVE PROSECUTION DISCLOSURE	TC 3
09/10/09	ICTR-02-78-0232	KANYARUKIGA - DECISION ON THE DEFENCE MOTION FOR JUDGEMENT OF ACQUITTAL PURSUANT TO RULE 98 bis	TC 2
09/10/09	ICTR-02-78-0231	DECISION ON THE DEFENCE MOTION FOR RECTIFICATION OF THE FRENCH TRANSCRIPT OF 01 SEPTEMBER 09	TC 2
09/10/09	ICTR-00-55B-0171	HATEGEKIMANA - DECISION ON PROSECUTION'S MOTION FOR JUDICIAL VIEW OF THE LOCUS IN QUO IN THE PRESENT CASE	TC 2
12/10/09	ICTR-98-44D-0084	NZABONIMANA - PROSECUTOR'S RESPONSE TO NZABONIMANA'S MOTION FOR RECONSIDERATION, AND/ OR CERTIFICATION OF THE DECISION RENDERED ON 2 OCTOBER ON NZABONIMANA'S CONFIDENTIAL EX PARTE MOTION SEEKING AN ORDER ALLOWING A MEETING WITH WITNESS CNAO	TC 3
13/10/09	ICTR-00-61-0104	GATETE - DECISION ON DEFENCE MOTIONS FOR DISCLOSURE PURSUANT TO RULE 66 (A)(ii) AND COMMENCEMENT OF TRIAL	TC 3
15/10/09	ICTR-98-44-4146	KAREMERA ET AL - DECISION ON RECONSIDERATION OF PROTECTIVE MEASURES ORDERS	TC 3
15/10/09	ICTR-98-44-4145	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR A FURTHER EXTENSION OF TIME TO SUBMIT CERTIFICATES OF ADMISSIBLE WRITTEN STATEMENTS	TC 3
15/10/09	ICTR-04-81-0215	SETAKO - DECISION ON DEFENCE REQUEST TO ADMIT A DOCUMENT	TC 1
16/10/09	ICTR-98-44-4152	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR EXTENSION OF TIME TO FILE RESPONSE BRIEF	AC
16/10/09	ICTR-98-44-4153	KAREMERA ET AL - DECISION SUR LA DEMANDE DE CERTIFICATION EN APPEL CONTRE LA "DECISION ON REMAND REGARDING CONTINUATION OF TRIAL"	TC 3
19/10/09	ICTR-98-44D-0090/2	NZANONIMANA - DECISION RELATIVE A LA REQUETE DE NZABONIMANA TENDANT A VOIR LA CHAMBRE DEMANDER AU PRESIDENT DU TRIBUNAL DE RENDRE COMPTE AU CONSEIL DE SECURITE DU REFUS DE COOPERATION DE LA FRANCE (Articles 28 du statut ainsi que 7bis, 19, 33 B) R.P.E.	TC 3
19/10/09	ICTR-02-78-0234	GASPARD KANYARUKIGA - DECISION ON PROSECUTION FOR ALIBI PARTICULARS	TC 2
19/10/09	ICTR-98-44D-0090/1	NZANONIMANA - DECISION ON NZABONIMANA'S MOTION ASKING THE CHAMBER TO REQUEST THE PRESIDENT TO REPORT THE MATTER OF FRANCE'S REFUSAL TO COOPERATE TO THE SECURITY COUNCIL (Article 28 of the Statute of the Tribunal; Rule 7bis 19, 33 B) and 54 of the Rules	TC 3
19/10/09	ICTR-00-55B-0174/1	HATEGEKIMANA - SUPPLEMENTAL DECISION ON THE SITE VISIT IN RWANDA AND COMPOSITE ITINERARY OF THE SITES	TC 3
19/10/09	ICTR-00-61-0118	GATETE - DECISION ON DEFENCE AND PROSECUTION MOTIONS FOR RECONSIDERATION OF THE CHAMBER'S DECISION OF 13 OCTOBER 09 AND SCHEDULING OF PROSECUTION CASE	TC 3
19/10/09	ICTR-00-61-0116	GATETE - DECISION ON PROSECUTOR'S MOTION TO VARY LIST OF WITNESSES PURSUANT TO RULE 73bis(E) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3



Date	Record No	Title	TC
19/10/09	ICTR-98-44D-0096	NZABONIMANA - NZABONIMANA'S REPLY TO PROSECUTOR'S RESPONSE TO NZABONIMANA'S MOTION FOR RECONSIDERATION, AND/ OR CERTIFICATION OF THE DECISION RENDERED ON 2 OCTOBER ON NZABONIMANA'S CONFIDENTIAL EX PARTE MOTION SEEKING AN ORDER ALLOWING A MEETING WITH...	TC 3
20/10/09	ICTR-01-70-0396	RUKUNDO - DECISION ON MOTION FOR EXTENSION OF TIME	Trial Team IV
20/10/09	ICTR-02-78-0235	GASPARD KANYARUKIGA - DECISION ON PROSECUTION MOTION FOR SITE VISITS	TC 2
20/10/09	ICTR-98-44-4154	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT STATEMENTS OF ALOYS SIMPUNGA AND GERARD KAYUMBA AND ON RECONSIDERATION OF DECISION ON ADMISSION OF WRITTEN STATEMENTS AND WITNESS TESTIMONY	TC 3
20/10/09	ICTR-98-44-4155	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SUBMISSION OF TESTIMONY OF WITNESS CC IN NTAKIRUTIMANA TRIAL	TC 3
21/10/09	ICTR-97-31-0265	RENZAHU - DECISION ON THARCISSE RENZAHU'S MOTION FOR EXTENSION OF TIME FOR THE FILING OF APPELLANT'S BRIEF	AC
21/10/09	ICTR-98-44-4157	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISCLOSURE OF BENEFITS TO PROSECUTION WITNESS ZF	TC 3
22/10/09	ICTR-00-61-0123	GATETE - DECISION ON PROSECUTOR'S MOTION FOR THE TRANSFER OF DETAINED WITNESSES PURSUANT TO RULE 90BIS (RULE 73 AND 90BIS OF R.P.E.)	TC 3
23/10/09	ICTR-98-44-4160	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTIONS FOR RECONSIDERATION: 16TH NOTICE OF RULE 68 VIOLATION	TC 3
23/10/09	ICTR-98-44-4159	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTIONS TO ADMIT THE TESTIMONY OF WITNESSES YD-1, MCM, 4,10 AND 11	TC 3
26/10/09	ICTR-98-44-4164	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO RECLASSIFY DOCUMENTS: JOSEPH NZIRORERA'S MOTION FOR SUBPOENA TO A MOSSE MURARA	TC 3
27/10/09	ICTR-01-72-0309	BIKINDI - DECISION ON MOTION FOR PARTIAL RECONSIDERATION OF DECISION ON REQUEST FOR ADMISSION OF ADDITIONAL EVIDENCE PURSUANT TO RULE 115 OF THE RULES	TC 3
27/10/09	ICTR-98-44D-0106	NZABONIMANA - DECISION ON CALLIXTE NZABONIMANA'S MOTION FOR PROTECTION MEASURES AND DEPOSITION OF WITNESS RW-42	TC 3
28/10/09	ICTR-99-54-0247	NGIRABATWARE - DECISION ON DEFENCE MOTION FOR LEAVE TO MEET WITH THE HUSBAND OF WITNESS ANAE AND FOR POSTPONEMENT OF HER TESTIMONY	TC 2
29/10/09	ICTR-98-44D-0108	NZABONIMANA - DECISION ON CALLIXTE NZABONIMANA'S MOTION FOR AN ORDER CONCERNING DISCLOSURE OF GACACA AND JUDICIAL MATERIAL RELATING TO PROSECUTION WITNESSES	TC 3
30/10/09	ICTR-98-44D-0112	NZABONIMANA - DECISION ON DEFENCE MOTION FOR THE POSTPONEMENT OF THE START OF TRIAL	TC 3
30/10/09	ICTR-02-78-0236	KANYARUKIGA - DECISION ON DEFENCE MOTION FOR DISCLOSURE AND RETURN OF EXCULPATORY DOCUMENTS SEIZED FROM THE ACCUSED (Rule 68 RPE)	TC 2
30/10/09	ICTR-99-54-0248	NGIRABATWARE - DECISION ON PROSECUTION ORAL MOTION FOR RULE 77 INVESTIGATION RELATED TO WITNESS ANAF	TC 2
30/10/09	ICTR-00-61-0130	GATETE - PROSECUTOR'S RESPONSE TO JEAN-BAPTISTE GATETE'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON DEFENCE AND PROSECUTION MOTIONS FOR RECONSIDERATION OF THE CHAMBER'S DECISION OF 13 OCTOBER 09 AND SCHEDULING OF PROSECUTION CASE	TC 3



Idelphonse Nizeyimana Pleads Not Guilty



Idelphonse Nizeyimana, former second in command in charge of intelligence and military operations at ESO (*Ecole des Sous Officiers*) made his initial appearance on 14 October 2009 before Judge Khalida Rachid Khan and pleaded not guilty to all the charges against him. The date for commencement of his trial will be set later.

The accused, who was a Captain in the Rwanda Armed Forces, was initially jointly charged with two others, Tharcisse Muvunyi (case on re-trial) and Idelphonse Hategekimana (trial in progress), is facing four counts of genocide, or in the alternative complicity in genocide, crimes against humanity (rape) and crimes against humanity (other inhumane acts).

According to the indictment, Nizeyimana, through the chain of command, is alleged to have exercised authority over soldiers and personnel at the camp and was perceived as a member of the elite inner circle (Akazu) of the late President Habyarimana. He is accused among other things, of having sent a section of soldiers to the home of the former Queen of Rwanda, Rosalie Gicanda, a symbolic figure for all Tutsis and ordered her execution, which was subsequently carried out.

Nizeyimana is alleged to have planned, incited to commit, ordered, committed, or in some other way aided and abetted the planning, preparation of executions he is charged with. He is also alleged to have known, or had reason to know, that his subordinates were preparing to commit or had committed one or more of the crimes and failed to take the necessary and reasonable measures to prevent the said acts from being committed or to punish those who were responsible.

Nizeyimana was arrested in Kampala, Uganda by the National Central Bureau of Interpol of the Ugandan Police in collaboration with the tracking team of the International Criminal Tribunal for Rwanda (ICTR) on 5 October 2009 and was transferred to UN Detention Facility in Arusha on 6 October 2009. The accused, is the second to be arrested in the list of 13 fugitives in less than two months.

Nizeyimana's transfer into the ICTR's custody took place less than 28 hours after his arrest. The Tribunal has commended the Interpol and the Ugandan authorities for their close cooperation. This level of cooperation is highly appreciated and will assist the ICTR in discharging its mandate fully in the framework of its completion strategy. It is hoped that the ICTR will continue receiving similar support from other member states at this critical junction of its work.

Statement attributable to the Spokesperson for the Secretary-General on the arrest of International Criminal Tribunal for Rwanda indictee, Idelphonse Nizeyimana; New York, 6 October 2009

The Secretary-General welcomes the arrest, in Kampala, Uganda, of Idelphonse Nizeyimana. Mr. Nizeyimana allegedly participated in the killing of Tutsis and moderate Hutus during the 1994 genocide in Rwanda. He was indicted by the International Criminal Tribunal for Rwanda (ICTR) in November 2000 for "genocide", "rape as a crime against humanity" and "other inhumane acts as a crime against humanity".

The United Nations Mission in the Democratic Republic of the Congo (MONUC) reports that Idelphonse Nizeyimana is a key leader of the *Forces Démocratiques de Liberation du Rwanda* (FDLR), which has been operating in North Kivu. In this context, his arrest is an important step forward in the fight against impunity and strongly signals the Great Lakes region's commitment to peace and security.

The Secretary-General welcomes this positive development and calls on all member States to continue to cooperate fully with the ICTR.

Trial of Jean-Baptiste Gatete Commences



The trial of Jean-Baptiste Gatete, former Mayor of Murambi Commune in Byumba prefecture, began on 20 October 2009 with the opening statements of the Prosecutor and the Defence before Trial Chamber III of the International Criminal Tribunal for Rwanda, composed of Judges Khalida Rachid Khan,

Presiding, Lee Gacuiga Muthoga and Aydin Akay. Gatete is charged with six counts of Genocide, or, in the alternative, complicity in genocide; conspiracy to commit genocide; crimes against humanity for extermination, murder and rape.

In its opening remarks, the Prosecution stated that it will call various witnesses and co-perpetrators who will testify and present evidence proving that the accused is individually responsible for the crimes alleged against him in the amended indictment dated 3 July 2009. Following the statement of the Prosecution, the Defence stated in its opening remarks that it will present evidence which will discharge Gatete and show that he is not the person described by the Prosecution.

Gatete is alleged to have led a campaign of terror against Tutsi civilians resulting in thousands of deaths in Byumba and Kibungo prefectures. "The accused killed persons by his own hand, specifically ordered killings by subordinates, and led attacks", the Prosecution said. Under his command and direction,



the Interahamwe militias are alleged to have massacred several thousand Tutsi civilians who had taken refuge in Kiziguro and Mukarange Churches, at Kayonza Commune and at the CERAI School in Rukira.

The accused was arrested on 11 September 2002 by the Congolese authorities acting on a warrant of arrest issued by the Tribunal on 19 December 2000. He was transferred to the UN Detention Facility in Arusha on 13 September 2002 and pleaded not guilty to the previous ten counts contained in the first indictment on 20 September 2002 during his initial appearance. The Prosecution is led by Richard Karegyesa, Acting Chief of Prosecution, assisted by Trial Attorney Adelaide Whest; while the accused is assisted by Defence Counsel Marie-Pierre Poulain from France.

ICTR Outreach

- **Visit of the newly Appointed High Commissioner of Canada and Ambassador of Indonesia**

His Excellency Robert Orr, High Commissioner of Canada, and his counterpart, His Excellency Yudhistranto Sungadi, Ambassador of Indonesia, visited the Tribunal on 24 September and 8 October 2009, respectively. Both of them, recently appointed, came to introduce themselves to the three principals of the ICTR and to become acquainted with the Tribunal's work, resources and facilities. The guests were given a briefing on the activities of the Tribunal by the ICTR spokesperson and the contribution and support of both countries to the work of the Tribunal were commended.

- **Visit of French Examining Magistrates**

Two examining magistrates from the Tribunal de Grande Instance de Paris, Judges Michèle Ganascia and Fabienne Pous visited the Tribunal on 16 October 2009. The purpose of the visit was to request for the Tribunal's guidance and assistance in the handling of about 10 cases involving Rwandan genocide suspects before these magistrates. The guests received a detailed briefing from the ICTR Spokesperson on the achievements and challenges of the ICTR as well as on the implementation of its Completion Strategy. They also paid courtesy calls to the President, the Prosecutor and the Registrar. To expedite their familiarization with the work of the Tribunal, a series of meetings were organized with the Chief of the Defence Counsel and Detention Management Section, the Commander of the UN Detention Facility and various officials of the Office of the Prosecutor.

- **Visit of Army Officers**

On 9 October, 2009 Brig LM Ngondi, and his team of 42 military personnel from the Defence and Staff College in Kenya visited the Tribunal.

ICTR Spokesperson, Mr. Roland Amoussouga, delivered a special message to the group, comprising nationalities from Kenya, Tanzania, Uganda, Rwanda,



Sudan and South Africa. He discussed the pivotal role played by them in maintaining regional peace and security, and spearheading the fight against impunity. This was followed by a question and answer session.

- **Othaya-Kenya Town Council visits ICTR**

On 30 September 2009 the Counselor Michael Maina Murachu, and his accompanying delegation of 10 Honorary Guests from the Othaya-Kenya Town Council visited the Tribunal.



Mr. Ng'arua and Mr. Amoussouga Addressing the visitors

During the meeting, Mr. Paul Ng'arua, Senior Trial Attorney, and Mr. Amoussouga briefed the Othaya-Kenya Town Council on the work of the ICTR. Emphasis was placed on the ICTR's continued appreciation to Member States, including Kenya, for their part in bringing justice to the people of Rwanda through cooperation with the Tribunal.

News from Kigali

- **ICTR Launches a Pilot Outreach Project in Rwanda**



I-r: Mayor of Rulindo District, Mr. Justus Kangwaje, Mr Alfred Kwende, Mr Roland Amoussouga, Mayor of Musanze District, Mr Celestin Karabayinga, Chief Superintendent Rogers Rutikanga, Regional Police Commander, N. Rwanda and Mr. Diogene Bideri



The International Criminal Tribunal for Rwanda (ICTR), on Tuesday 27 October 2009, launched its first combined Outreach Workshop for secondary school students and teachers from the districts of Rulindo and Musanze in Northern Rwanda. The main objective of the three-day workshop, sponsored by the European Commission, is to inform and sensitize the Rwandan population, specifically the students and teachers about the role of ICTR in contributing to the unity and national reconciliation process in Rwanda.

The main objective of the workshop was to promote awareness on the role of youth in the promotion of justice, peace and national reconciliation in Rwanda. Speaking on behalf of the Registrar, Mr. Roland Amoussouga, Chief of External Relations and Strategic Planning Section and ICTR Spokesperson, underlined that "the workshop was one of the true testimonies of the existing cooperation between Rwanda, the European Commission and the Tribunal".

In their inaugural remarks, both Mayors of Musanze and Rulindo Districts, Mr. Celestin Karabayinga and Mr. Justus Kangwaje, expressed their profound gratitude to ICTR for organizing the workshop targeting the youth, who are future leaders of Rwanda. They urged the students to be vigilant and active at the forefront in the fight against genocide and its related ideology. They said that they were optimistic that the young generation can be guided to contribute towards Rwanda's development.



Ms. Kilemi handing over a prize to the best debating school

The ongoing pilot Outreach Project is aimed at putting in place a secondary-school level based genocide awareness network that will help enhance the youth awareness about ICTR achievements and challenges. The Project will also promote the respect of human rights values and sharing of knowledge and best practices generated by the ICTR as part of its legacy in strengthening the unity and national reconciliation in Rwanda.

Since 2005, the Tribunal has been conducting annually, awareness-raising workshops in different secondary schools throughout the country. More than 60 Rwandan secondary schools have benefited from these workshops.

The three-day workshop was officially closed by the Chief of DASS, Dr. Sarah Kilemi, on behalf of the Registrar. In her closing remarks, Dr. Kilemi reminded the students that as leaders of tomorrow, the society expects them to play an active role in the promotion

and respect of human rights, while maintaining peace, unity and security for all. She therefore urged students and their teachers to make use of the information acquired during the workshop to intensify campaign against genocide and its ideologies not only in the class but also in their communities.

This workshop was also attended by Mr. Alfred Kwende, Head of Office of the Prosecutor in Rwanda, the Regional Police Commander for the Northern Region, Chief Superintendant Rogers Rutikanga, Dr. Diogene Bideri from the National Commission for the Fight Against Genocide and other officials from the districts of Musanze and Rulindo.

• **ICTR Spokesperson Addresses American Students**



The Chief of External Relations and Strategic Planning Section and Spokesperson of the ICTR, Mr. Roland Amoussouga, on 26 October 2009, addressed a group of 28 students from various universities of the United States of America at the Tribunal's Information Centre in Kigali. Also present were Mr. Innocent Kamanzi, the Head of the ICTR Information Centre and Mr. Kamuru Charles, the ICTR Public Information Assistant in Kigali.

The students who were visiting the Tribunal's Information and Documentation Centre in Kigali, were given an in-depth briefing on the work of the Tribunal, especially its accomplishments and challenges under the ICTR Completion Strategy.

The Spokesperson explained to them about the outreach programme and its related projects, including capacity building activities which are aimed at strengthening the capacity of the Rwandan Judiciary. Mr Amoussouga highlighted the achievements of the Tribunal, including contribution to the restoration and maintenance of peace in Rwanda. He briefed them on the ongoing trials, the issue of the transfer of cases to national jurisdictions including Rwanda, and cooperation between the Government of Rwanda and the Tribunal.

The head of the student's delegation, Stefanie Pollender, who is the Academic Director Uganda/Rwanda Post-Conflict Transformation School for International Training - SIT Study Abroad, commended the work of the Tribunal saying it had played an important role in promoting peace and security in



Rwanda, the Great African Lakes region and the rest of the world. She added that the students and the international community would also draw important lessons from the experience and the achievements of the ICTR.

The group was in Rwanda to get acquainted with post-conflict transformation program involving the history, culture, politics and recovery of Rwanda, as well as the relevant political, social, economic and judicial issues affecting the country today.

- **UN DSG Meets ICTR Staff**

The United Nations Deputy Secretary-General, Ms. Asha Rose Migiro, on 19 October 2009, held a general meeting with all Staff of UN Agencies in Rwanda at the ICTR Offices in Kigali. About 200 UN staff members attended the meeting.

Upon her arrival, she was received by the Head of the office of the Prosecutor in Kigali, Mr. Alfred Kwende, Heads of UN Agencies in Rwanda and other ICTR officials from Kigali.



DSG receiving a gift from the UN Federation of Staff Associations

In his welcoming address, Mr. Pacifique Rutu, the President of the UN Federation of Staff Associations in Rwanda, thanked the DSG for having spared time from her busy schedule to address the Staff in Rwanda. He explained to the visitor, that the Staff members were committed to their efforts of serving as one to ensure that the UN achieves its goals in contributing to the social and economic development of Rwanda. In her speech, the UN DSG, acknowledged the contribution of the staff members to the development of Rwanda after all the social and economic problems the country has gone through. She said that there was a lot to learn from one-UN Rwanda as the body works with Rwandans and various other organizations in achieving the Millennium Development Goals (MDG's). *"Rwanda is the only country with a single working document for one UN-delivering as one,"* said the Senior UN official. She added that apart from the Government and people of Rwanda appreciating the achievements of the UN in the country, the Secretary-General was also happy with the contribution of the staff towards rehabilitation and reconstruction of Rwanda.

Ms. Migiro was in Rwanda to attend the Inter-Governmental meeting on delivering a one-UN hosted by the Rwandan Government at Kigali Serena Hotel.

The meeting brought together representatives of the governments of the eight pilot countries; Albania, Cape Verde, Mozambique, Pakistan, Rwanda, Tanzania, Uruguay and Vietnam as well as representatives from countries that have voluntarily adopted the "One Programme" approach namely Benin, Bhutan, Kiribati, Malawi and Papua New Guinea.

- **Chief DASS Addresses UN Agencies**

The Chief of the Division of Administrative Support Services, Ms Sarah Kilemi, accompanied by Mr. Roland Amoussouga, the Chief of External Relations and Strategic Planning Section and Mr. Alfred Kwende, Head of the Office of the Prosecutor in Kigali, on 29 October 2009 addressed the heads of UN agencies based in Rwanda at Gollira Hotel in Musanze District, Northern Rwanda.



Ms. Annete Nyekan, UNHCR Rep, Ms. Sarah Kilemi, Mr. Aurélien Agbénonci, UN Res Coordinator and Mr. Roland Amoussouga

The heads of UN agencies in Rwanda were on a three-day retreat to evaluate progress made by the UN agencies in achieving the objectives and strategies laid down by the UN in delivering as one in Rwanda. As part of the UN family in Rwanda, the ICTR was also invited to brief the participants on its achievements and challenges as it moves towards the completion of its mandate.

In her presentation, the Chief of Administration, Ms Sarah Kilemi, who was representing the Registrar, started with briefing the participants on some of the achievements of the ICTR since its establishment, including the trial of the former Prime Minister, Jean Kambanda and ICTR's contribution to the restoration and maintenance of peace in Rwanda. She told the participants that to date 81 indicted persons have been arrested, therefore registering an 88% success rate.

Ms. Kilemi mentioned some of the key challenges the Tribunal was facing at this critical time of winding up its activities, like the arrest and transfer of 11 fugitives still at large, lack of cooperation of some member states in apprehending those fugitives and completing all remaining trials at the first instance within the shortest possible time.

The heads of UN agencies expressed their appreciation to the ICTR team and acknowledged that the presentation was very useful as it enabled each one of them to visualize how their respective mandates could benefit from the achievements of the Tribunal. Speaking on behalf of the UN Agencies in Rwanda, Mr Aurélien Agbénonci, the UN Resident Coordinator in



Rwanda, thanked the ICTR team for the Information provided on the current status of the work of the Tribunal. He stated that the achievements made by the ICTR were instrumental in supporting the Unity and Reconciliation process in Rwanda and would leave behind a legacy involving the eradication of the culture of impunity not only in Rwanda but in the whole of the Great Lakes region. He requested that such exchanges between ICTR and the rest of the UN family in Rwanda should be organized on a more regular basis, which could even include a visit to the Tribunal headquarters in Arusha.

The meeting was also attended by the OIC Administration, Kigali, Mr. Apollo Kagwa and Mr. Kamuru Charles, the Public Information Assistant.

ICTR Training

• ICTR Holds Management Training Course

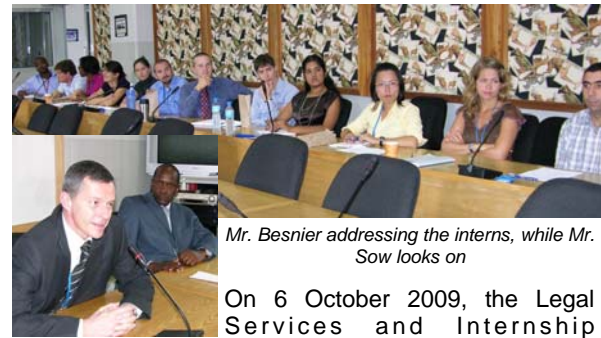
From 19 to 24 October 2009, a cross functional group of ICTR Staff Members attended a PRINCE2 Project Management Training Course at Serena Lake Manyara Lodge. PRINCE2 is a structured product (or deliverable) based method for effective project management and has in recent years become the *de facto* standard used extensively by the UK and other Governments. It is widely recognised and used internationally and many UN offices and missions are adopting PRINCE2 methods and standards for project management.



It was an intensive week of classroom sessions, case studies and private study till the early hours of the morning, culminating in a two and a half hour exam on the last day. Amidst all the hard work, the group did manage to fit in some fun, networking and relaxation time. Some of the highlights included lunching with the baboons whilst enjoying a stunning view of Lake Manyara and the surrounding plains, a CMS colleague's very close encounter with an elephant and a delicious outdoor barbeque on the final evening complemented with live music and dance.

The course will result in a wealth of PRINCE2 Certified Practitioners all ready to adapt the PRINCE2 project management methodology and further enhance the efficiency of the Tribunal.

Orientation Seminar for Interns



Mr. Besnier addressing the interns, while Mr. Sow looks on

On 6 October 2009, the Legal Services and Internship Programme Unit organized an interactive Orientation Seminar for Interns, Legal Researchers and *Pro Bono* Legal Researchers. The previous day the interns and legal researchers watched the documentary "*Justice Today, Peace Tomorrow*" containing a relevant background information on the Tribunal, its early challenges and progressive achievements. The Seminar started at 9h00 and ended at 5h30. It was officially opened by Mr. Pascal Besnier, Chief, OIC JLSD and DCDMS. In his remarks, he thanked the interns and the legal researchers for choosing the ICTR Internship Programme. He described the challenges the ICTR faced at the beginning of its work and commended the achievements made over the years. Mr. Besnier invited the interns and legal researchers to give their best in performing their duties.

Throughout the day, speakers representing the various Sections of the Tribunal made presentations centred on the working and achievements of their respective Sections. Speakers in the morning session were: Mr. Bocar Sy (Senior Information Officer, ERSPS), Mr. George Kabore (Chief HRPS), Mr. Alhagi Marong (Judgment Co-ordinator), Mr. Murtaza Jaffer (Special Assistant to the Prosecutor) and Mr. Dunstain Mwaungulu (Legal Officer, DCDMS). During the afternoon session, Dr. Epee-Hernandez (ICTR Health Services) informed the participants about the services offered by the ICTR clinic. She also advised them on certain cautionary measures to be taken to avoid some preventable diseases. Mr. Beyan Harris (Help Desk Supervisor) spoke on the work of EDP, followed by Randolph Tebbs who made an elaborate presentation on the role of the CMS. The latter also introduced the participants to TRIM database. Mr. Thierry Kpheor (Associate Information Network Officer) followed up with a presentation on materials that can be accessed through the ICTR library. Finally, Mr. Richard Tarpeh (Training and Development Officer) made an elaborate presentation on security issues within the ICTR and around Arusha. The various presentations were interactive and participants showed great interest.

The Orientation Seminar concluded with the election of interns' President and Vice-President. Ms. Vidhya Raganathan and Mr. Glyn Ayres were elected by interns as their President and Vice-President respectively.



ICTR Recognized for its Work Towards World Peace



Mr. Sadiq Chagani, President of RCAM and Mr. Geert Holm presenting the plaque to Judge Byron

Monday 21 September marked the 2009 International Day of Peace. As part of this year's commemoration, the Rotary Club of Arusha Mount Meru (RCAMM) honored the ICTR by presenting a plaque in recognition of the Tribunal's contribution to World Peace. The plaque was presented by the President of RCAMM to the President, Judge Dennis Byron who gratefully received the plaque on behalf of the Tribunal.

World Peace Day was established by a UN Resolution in 1981 and was first celebrated 27 years ago in September 1982. It is a day dedicated to worldwide peace and the absence of war and conflict. On this day nations, political and military groups across the world take part in a global ceasefire and observe a day of non-violence. By creating this International Day of Peace, the UN demonstrated its dedication and commitment to world peace and encouraged all mankind to work towards the same goal.