



ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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Germany and UK Sign Agreements with ICTR

During the visit of the "Friends of ICTR" to the Tribunal on 25 September 2009, two countries namely the Federal Republic of Germany and the United Kingdom have signed separate agreements with the International Criminal Tribunal for Rwanda (ICTR) in support of its work and projects. The Federal Republic of Germany granted a non refundable voluntary contribution of up to US\$ 240,400 to finance ICTR "Youth Sensitization Project" in the African Great Lakes Region, while the United Kingdom signed a Memorandum of Understanding concerning the confidentiality and privacy of information between the Government of the UK and the Office of the Prosecutor.

The Agreement on the Youth Sensitization Project was signed by the German Ambassador to Tanzania H.E. Guido Herz and the ICTR Registrar Mr. Adama Dieng while the Memorandum of Understanding was signed by the



German Ambassador to Tanzania H.E. Guido Herz and the ICTR Registrar Mr. Adama Dieng

British High Commissioner H.E. Diane Corner and the ICTR Prosecutor Mr.



British High Commissioner H.E. Diane Corner and the ICTR Prosecutor Mr. Hassan Bubacar Jallow

Hassan Bubacar Jallow. Prosecutor Jallow and Mr. Dieng thanked respectively the United Kingdom and Germany for their continuous and much-appreciated bilateral support. Following the signing ceremony, the German Ambassador, the UK High Commissioner, the ICTR Prosecutor and the ICTR Spokesperson addressed the ICTR based journalists during a short press briefing. The youth project, which covers 2009 and 2010, involves organising an Essay and Drawing Competition for students aged between 8 – 16 years in Tanzania, Rwanda, Uganda, Burundi and Kenya, and publishing cartoon book on the causes of 1994 genocide in Rwanda. The project is aimed at sensitizing the youth of the region on the role of the

Tribunal in promoting international justice and is part of the Tribunal's Educational and Outreach Program campaign to raise awareness of the youth in the region in the global fight against the culture of impunity. This remarkable financial contribution shall enhance ICTR's outreach activities during the year 2010.

During the visit, the "Friends of ICTR" held talks with the ICTR President Sir Dennis Byron, the Prosecutor Mr. Hassan Bubacar Jallow, and the Registrar Mr. Adama Dieng. The talks centered on the status of the ICTR operations and on areas of cooperation, in particular, the sensitization of Member States in the continued provision of cooperation and judicial assistance in apprehending the remaining fugitives and in overcoming the multifaceted challenges facing the Tribunal at this critical stage of its completion strategy. The ICTR Principals reiterated their highest appreciation for the commendable contributions and unwavering support of the "Friends of ICTR" to the ongoing work of the Tribunal. Their Delegation also visited the United Nations Detention Facility. The group of the "Friends of ICTR" included: H.E. Paul Jansen Ambassador of Belgium; H.E. Robert Orr High Commissioner of Canada; H.E. Guido Herz Ambassador of Germany; H.E. Francesco Catania Ambassador of Italy; H.E. Diane Corner High Commissioner of United Kingdom; H.E. Sylvie Massière Deputy Head of Mission of France; H.E. Clemens Hach Deputy Head of Mission of Germany; H.E. Monique Korzelius Political Officer of Netherlands and H.E. Stephanie Hutchison Political Officer of the U.S.A.



ICTR Spokesperson Mr. Roland Amoussouga addressing journalists while H.E. Diane Corner, H.E. Guido Herz and Mr. Jallow look on

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ICTR Judicial Activities

22nd Plenary Session

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.

Judge Bakhtiyar Tuzmukhamedov Sworn In

Judge Bakhtiyar Tuzmukhamedov, from the Russian Federation, was on 10 September 2009 sworn in as judge of the UN International Criminal Tribunal for



Rwanda. The ceremony was carried out by the President of the Tribunal Judge Charles Dennis Byron and witnessed by the Registrar, Mr. Adama Dieng, representing the United Nations Secretary General.

Prior to joining the ICTR Judge Tuzmukhamedov (54) was Counsellor of the Court, Constitutional Court of the Russian Federation from 1992 as well as being Professor of International Law at the Diplomatic Academy in Moscow of the Russian Foreign Ministry since 1984. Before that, from 1977 to 1984, he was a Research Fellow, at the Law of Sea Division, Institute of Merchant Marine.

Judge Tuzmukhamedov has held several high profile positions in professional associations including being Vice-President of the Russian Association of International Law, Deputy Editor-in-Chief, Moscow Journal of International Law and Member of the Editorial Board, International Review of the Red Cross. The Judge also has extensive experience with international organisations including being adviser of his country's delegations to the UN Special Committee on the Indian Ocean, as well as Civil Affairs Officer with the UN Peace Forces in the former Yugoslavia.

In addition, Judge Tuzmukhamedov, is credited with several publications in international law that appeared in his home country and elsewhere. The Judge is a graduate of Moscow State Institute of International Relations where he received basic legal education and was in 1983 conferred a degree of the Candidate of Juridical Science (S.J.D. - equated). In 1994 he received an LL.M degree from Harvard Law School.

Judge Carmel A. Agius Sworn In

Judge Carmel A. Agius from Malta was sworn in on 28 September 2009 as Appeals judge of the UN International Criminal Tribunal for Rwanda. The ceremony was presided over by Judge Charles Dennis Byron, the President of the Tribunal and witnessed by Mr. Adama Dieng, the Registrar representing the United Nations Secretary-General.

Judge Agius (64) started his career as Magistrate of the Maltese Court of Magistrates in 1977. He was successively appointed as Judge of the Superior Court, Presiding Judge of the Criminal Court, and



member of the Constitutional Court. From 1990 to 1997, Judge Agius was the representative of the Maltese Judiciary in the meetings of the European Association of Judges. He is also the founder of the Maltese section of the International Association of Judges. In 1998, he was appointed as Chairman of the Commission on "The Taking of Children's Evidence". Judge Agius represented the Maltese government at the United Nations negotiations on the Permanent International Criminal Court. In 1999, he became Member of the Permanent Court of Arbitration in The Hague.

Judge Agius held a position of Consultant to the United Nations High Commission for Human Rights and Criminal Procedure in Kathmandu, Nepal. Between 1992 and 2001 Judge Agius led the Maltese Delegation to the Annual Meetings of the United Nations Commission on Crime Prevention and Criminal Justice in Vienna. Judge Agius is credited with various publications in international law.

Judge Agius graduated with a Bachelor degree in English, Italian and Economics and obtained his LL.D from the University of Malta in 1969.

Work of the Trial Chambers and the Appeals Chamber between 1 and 30 September 2009

1. Trial Chamber I

Ongoing trials

Munyakazi

The Trial Chamber heard 17 Defence witnesses from 1 - 17 September 2009. The case then adjourned until 14 October when the Accused - the final Defence witness - is expected to testify over a period of three days. In September, the Trial Chamber rendered one written decision regarding the transfer of a witness. It also issued several oral decisions regarding scheduling issues and the admission of evidence.

Cases where closing arguments are awaited

Setako

The Defence case is now closed. The Chamber issued a decision dated 24 September 2009 allowing both parties an extension of the deadline to file closing briefs, which are now due on 2 October 2009. 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 in due course.

2. Trial Chamber II

Ongoing trials

Hategekimana

The Defence case in the trial of Ildephonse Hategekimana, a commander at the Ngoma Camp in Butare *Préfecture*, recommenced on 23 September 2009. As of 30 September 2009, a total of seventeen Defence witnesses have testified, and eight additional witnesses are scheduled to testify before the case closes. During the month of September, the Chamber issued seven oral decisions.

Kanyarugika

The trial in this case commenced on 31 August 2009. After calling eleven witnesses over fourteen trial days, the Prosecution closed its case on 17 September 2009.

The same day, the Chamber held a Status Conference to discuss the commencement of the Defence case.

On 28 September 2009, the Chamber issued a Scheduling Order requesting the Defence to present the entirety of their case between 18 January 2010 and 12 February 2010.

During September, the Chamber also denied two Defence requests for certification to appeal, granted a Defence request for protective measures for Defence Witnesses and issued an order for disclosure of the inventory list of items seized from the Accused at the time of his admission to the UNDF. The Chamber also issued several oral decisions, including a decision on UNDF visiting hours for Defence investigators.

Ngirabatware

The Prosecution case commenced on 23 September 2009. The Chamber has thus far sat for five days and heard two witnesses.

The Chamber rendered two written decisions in September 2009. On 15 September 2009, the Chamber granted the Defence's Article 28 motion for the cooperation of the Kingdom of Belgium. On 17 September 2009, the Chamber denied the Defence's motion for reconsideration of the date for commencement of trial. The Prosecution case is expected to conclude on 23 October 2009.

Trials in Judgement Drafting Phase

Nyiramasuhuko et al. (Butare)

The Chamber is involved in deliberations and judgement drafting.

Military II

The Trial Chamber is involved in deliberations and judgment drafting. It issued one decision in the month of September for variation of witness protection



measures.

Bizimungu et al.

The Trial Chamber granted leave for the Parties to appeal an earlier decision on the recruitment of a consultant. Judgement drafting in the case is ongoing.

3. Trial Chamber III

Ongoing trials

Karemera et al.:

The Chamber rendered 19 Decisions (including 1 confidential decision) in September. The Chamber denied M. Ngirumpatse's request for provisional release following the Appeals Chamber's decision that remanded the decision to the Trial Chamber. Also on remand, the Trial Chamber decided not to sever M. Ngirumpatse from the trial and ordered that the trial resume on 19 October 2009 with half-day sessions, four days a week to take into account the ability of the accused to participate in his trial due to his health condition.

Bagaragaza

On 17 September, M. Bagaragaza pleaded guilty to the count of complicity in genocide as contained in an amended indictment. The Prosecutor had presented the new indictment together with the plea agreement. The Chamber scheduled that hearing of character witnesses presented by the Defence in preparation of the sentencing judgement be held from 2 November 2009.

Initial Appearance

Gregoire Ndahimana was transferred to Arusha on 20 September, following his arrest in DRC. His initial appearance took place on 28 September 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 Defence closed its case on 14 September 2009 after calling seven witnesses. The Parties filed their closing briefs on 23 September 2009. The Closing Arguments will be heard on 2 October.

Ntawukulilyayo

The Defence case commenced on 23 September 2009 and will run for approximately four weeks. The Defence case will be heard in two sessions with the second session commencing for approximately one week on or about 16 November 2009. During September 2009, the Chamber has issued one order and two decisions, which includes the Chamber's order, pursuant to the Rules of Procedure and Evidence, that the Defence further reduce its Witness List due to an excessive number of witnesses being called to testify on the same facts.

Trials to commence soon

Nzabonimana

The Pre-Trial Chamber rendered one decision in

September in which it denied the Defence request for issuance of subpoena of a prospective expert witness for the Defence. The Chamber ordered that a status conference take place on 1 October to discuss issues in relation to the preparation of the trial.

Gatete

The Trial Chamber rendered a decision on a Defence motion for the disclosure of information in relation to Prosecution witnesses. The Chamber is currently deliberating on a Prosecution motion for the transfer of detained witnesses. In addition, it is considering four Defence motions: one alleging defects in the Prosecutor's pre-trial brief; two on disclosure; and one on the postponement of the trial date. The trial is currently scheduled to commence on 19 October 2009.

Appeals Chamber

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

In the *Bikindi* case, where the Notices of Appeal were filed on 31 December 2008, the briefing is completed and the case was heard on 30 September 2009 in Arusha.

In the *Zigiranyirazo* case, both parties filed notices of appeal in January 2009. The briefing is completed and the case was heard on 28 September 2009 in Arusha.

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

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 in progress.

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.

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 received an extension of time to file his notice of appeal not later than 2 October 2009.

In addition to these appeals, the Appeals Chamber is seized of interlocutory appeals in the *Muvunyi, Karemera et al.*, and *Bizimungu et al.* cases as well as an application from Juvenal Kajelijeli concerning post appeal matters.

From the beginning of 2009, the Appeals Chamber has rendered one Judgement, in the *Karera* case, 11 decisions on interlocutory appeals, 13 decisions concerning post appeal matters, including review, and 122 preliminary decisions or orders.

To date, the Appeals Chamber has delivered 21 Appeal Judgements, concluding the appellate proceedings in respect of 27 persons.

Appeals Chamber Hears Oral Arguments in the Zigiranyirazo Case

The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Theodor Meron, presiding, Judge Mehmet Güney, Judge Fausto Pocar, Judge Liu Daqun and Judge Carmel Agius, on 28 September 2009 heard oral arguments regarding the appeal lodged by Protais Zigiranyirazo and the Prosecution against the Judgement rendered by Trial Chamber III on 18 December 2008.



The Trial Chamber 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.

Zigiranyirazo alleges that the Trial Chamber committed numerous errors of law and fact, and accordingly, requests that the Appeals Chamber overturn his convictions or, in the alternative, reduce his sentence. The Prosecution appeals the sentences imposed by the Trial Chamber and requests the Appeals Chamber to impose a life sentence or, alternatively, a total effective sentence, greater than 20 years of imprisonment.

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 to 1989. After his resignation, he studied in Canada and returned to Rwanda in 1993 to work as a businessman.

Appeals Chamber Hears Oral Arguments in the Bikindi Case

The Appeals Chamber of the International Criminal Tribunal for Rwanda on 30 September 2009 heard oral arguments on the appeals lodged by both Simon Bikindi and the Prosecutor against the Judgement rendered by Trial Chamber III on 2 December 2008. Simon Bikindi, former singer, composer and leader of a ballet troupe called the "*Irindiro*", was sentenced to fifteen years imprisonment, having been found guilty of direct and public incitement to commit genocide based on public exhortations to kill Tutsis, which he made on the Kivumu-Kayove road in Gisenyi *prefecture* in late June 1994.



In his brief, Bikindi submitted that the Trial Chamber committed numerous errors of law and fact and requested the Appeals Chamber, composed of Judges Patrick Robinson, presiding, Mehmet Güney, Fausto Pocar, Liu Daqun and Theodor Meron, to overturn his conviction and order his release or, in the alternative, to revise his sentence and substitute it with an appropriate reduced sentence. The Prosecution opposed the relief sought and asked the Appeals Chamber to dismiss all Bikindi's grounds of appeal. In its submission, the Prosecution argued that the Trial Chamber erred in law and in fact in imposing a sentence of 15 years' imprisonment. It sought an increase in Bikindi's sentence, in the range of 30 years to the remainder of his life.

Simon Bikindi was born on 28 September 1954 in Rwerere commune Gisenyi *prefecture*. He was arrested in The Netherlands on 12 July 2001 and transferred to the Tribunal on 27 March 2002. The indictment against him was confirmed on 5 July 2001, and a warrant of arrest and transfer was issued.

Appeals Chamber Hears Oral Arguments in the Nchamihigo Case

The Appeals Chamber of the International Criminal Tribunal for Rwanda on 29 September 2009 heard oral arguments regarding the appeal lodged by Siméon Nchamihigo, former Deputy Prosecutor in Cyangugu against the Trial Judgement pronounced by Trial Chamber III on 24 September 2008, and rendered, in writing, on 12 November 2008.



In his brief, Nchamihigo alleged that the Trial Chamber committed numerous errors of law and fact and accordingly requested that the Appeals Chamber composed of Judges Patrick Robinson, presiding, Fausto Pocar, Liu Daqun, Theodor Meron and Carmel



Agius, overturn the Trial Judgement, enter acquittals on all counts of the Indictment, and order his immediate release. In the alternative, he requested that the Appeals Chamber grant him extensive mitigating circumstances and hand down a lenient sentence. The Prosecution opposed the relief sought and asked the Appeals Chamber to dismiss all of Mr. Nchamihigo's grounds of appeal.

On 24 September 2008, the Trial Chamber found Mr. Nchamihigo guilty of genocide; murder, extermination and other inhumane acts as crimes against humanity in relation to events in Cyangugu prefecture, Rwanda, in April 1994, and sentenced him to imprisonment for the remainder of his life.

Siméon Nchamihigo was born on 7 August 1959, in Gatare commune, Cyangugu prefecture, Rwanda. On 17 July 1994, he left Rwanda to go into exile in Bukavu, DRC (former Zaire). He was arrested in Arusha, Tanzania, on 19 May 2001, and transferred to the United Nations Detention Facility on 25 May 2001.

Bagaragaza Pleads Guilty



Michael Bagaragaza, former Director General of the office controlling the Rwandan tea industry during the period of the genocide, on 17 September 2009 entered a plea of guilty to the count of complicity in genocide as contained in an amended indictment. The Prosecutor had presented the new indictment together with the plea agreement. The Chamber scheduled that hearing of character witnesses presented by the Defence in preparation of the sentencing judgement be held from 2 November 2009.

The plea agreement was accepted by Trial Chamber III, composed of Judges Vagn Joensen, presiding, Bakhtiyar Tuzmukhamedov and Gberdao Gustave Kam, after the Chamber was satisfied that the accused entered the guilty plea voluntarily and in an informed and unequivocal manner. Bagaragaza, who, on 16 August 2005, surrendered to the Tribunal in Arusha was initially charged with four counts of conspiracy to commit genocide, genocide, complicity in genocide and violations of the Geneva Conventions of 1949 and of Additional Protocol II of 1977. On 18 August 2005, the accused was transferred to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia following a request by the ICTR Prosecutor to grant the transfer for security reasons. This was followed by two attempts by the Prosecutor to transfer Bagaragaza's case to the Kingdom of Norway and to The Netherlands. In the case of the Kingdom of Norway, the Trial Chamber, relying on the submissions by the Norwegian Prosecutor, found that Norwegian criminal law did not provide for the crime of genocide, which was alleged in the Indictment, and therefore denied the application. When the Prosecution renewed its request for referral to The Netherlands, it was supported by a statement of the Dutch prosecutor that The Netherlands had jurisdiction to try the case. However, in a similar case involving another Rwandan, The Hague District Court

afterwards stated that the Dutch Courts do not have any jurisdiction in trying such a case. As a result, the Dutch Prosecutor informed the ICTR Prosecutor who then requested the revocation of the referral. On 17 August 2007, the referral order was revoked and the accused was transferred on 20 May 2008 back to Arusha.

Trial of Gaspard Kanyarukiga Commences



The trial of Gaspard Kanyarukiga, a former businessman of Kivumu, Kibuye prefecture, began on 31 August 2009 before Trial Chamber II, composed of Judges Taghrid Hikmet, Presiding, Seon Ki Park and Joseph Masanche. Kanyarukiga is charged with four counts: Genocide, Complicity in genocide, Conspiracy to commit genocide, and Crimes against humanity (Extermination).

In its opening remarks the Prosecution told the Trial Chamber that it will call ten factual witnesses, both survivors and perpetrators of the Nyange Massacres, whose testimony will prove beyond a reasonable doubt that the accused committed the crimes.

Trial Attorney, Ms. Holo Makwaia stated that thousands of Tutsis were massacred at Nyange Parish when the church was razed to the ground. She added that the Prosecution would present evidence that Kanyarukiga was one of the instrumental persons in the commission of genocide in Nyange Parish.

Traditionally churches were safe havens when attacks occurred. In 1994, this was not the case, the Prosecution told the Court, as the accused Kanyarukiga and his co-perpetrators who included Athanase Seromba, (serving life sentence) Gregoire Ndahimana, recently arrested, who was the burgomaster of Kivumu commune, Fulgence Kayishema, a police inspector, Ndugutse Habyambere, still at large, and others teamed up to execute their common objective, that of exterminating the Tutsis of Kivumu commune.

Gaspard Kanyarukiga was born in 1945 in Kivumu Commune. He was arrested on 16 June 2004 in the Republic of South Africa and was transferred to the UN Detention Facility in Arusha on 19 June 2004.

The Defence is led by Counsel Jacobs David from Canada. It will make its opening remarks at a later date.

Trial of Ngirabatware Commences

The trial of Augustin Ngirabatware, former Minister of Planning, began on 23 September 2009 before Trial Chamber II composed of Judges William Sekule, presiding, Solomy Balungi Bossa and Mparany Rajohnson. Ngirabatware, 52, is charged with genocide, conspiracy to





commit genocide, complicity in genocide, direct and public incitement to commit genocide; crimes against humanity for murder, extermination, rape, inhumane acts; and serious violations of the Geneva Conventions and of Additional Protocol II.

The Trial started with an opening statement by the Prosecutor during which he stated that he will prove individual responsibility of the accused in the crimes he is charged with. Senior Trial Attorney Wallace Kapaya told the court that the Prosecution will prove that Ngirabatware committed genocide or was involved in complicity in genocide. With his knowledge, his subordinates committed specific criminal acts and he failed to prevent the commission of the crimes or punish his subordinates for those crimes.

The senior trial attorney added that the Prosecution would also prove that the accused is individually, or pursuant to a joint criminal venture, responsible for killing or causing bodily or mental harm to members of the Tutsi ethnic group in Gisenyi prefecture, and for raping Tutsi women, as part of a widespread or

systematic attack on civilians. The defence will present its opening statement at a later date.

The Prosecution plans to call 17 witnesses between now and 23 October 2009 to prove its case. It began by calling an Investigator from its office, who started his testimony by explaining the background to the case.

Ngirabatware was arrested in Frankfurt, Germany on 17 September 2007, and was transferred to the UN Detention Facility in Arusha, Tanzania, on 8 October 2008. On 10 October 2008, the accused made his initial appearance and pleaded not guilty to all the counts.

Initially, Ngirabatware was jointly charged with Jean de Dieu Kamuhanda, former Minister of Higher Education and Scientific Research who, on 22 January 2004, was convicted and sentenced to imprisonment for the remainder of his life, following dismissal of his appeal on 19 September 2005. The accused is defended by Counsel Peter Donald Herbert from the UK.

Decisions of the ICTR between 1 and 30 September 2009

Date	Record Number	Title	TC
02-Sep-09	ICTR-00-55A-0444	MUVUNYI - DECISION ON MOTION FOR CERTIFICATION TO APPEAL DECISION DENYING MOTION FOR JUDGEMENT OF ACQUITTAL - RULE 73(B) OF THE RULES OF PROCEDURE AND EVIDENCE	Trial Team IV
02-Sep-09	ICTR-98-44-4058	KAREMERA ET AL - DECISION FOLLOWING THE REGISTRY'S REPORT ON PROSECUTION WITNESS BDW'S ALLEGATIONS	TC 3
02-Sep-09	ICTR-98-44-4060	KAREMERA ET AL - DECISION ON PROSECUTION'S MOTION FOR ADMISSION OF I-P-32 INTO EVIDENCE PURSUANT TO RULE 89 (C)	TC 3
02-Sep-09	ICTR-98-41-2371	[MILITARY I] - BAGOSORA ET AL - DECISION ON ALOYS NTABAKUZE'S MOTIONS FOR PROVISIONAL RELEASE AND LEAVE	AC
03-Sep-09	ICTR-98-44-4061	KAREMERA ET AL - DECISION EN RENVOI SUITE A LA DECISION DE LA CHAMBRE D'APPEL DU 23 OCTOBRE 2008	TC 3
03-Sep-09	ICTR-02-78-0204	GASPARD KANYARUKIGA - REPONSE A LA REQUETE EN CERTIFICATION D'APPEL DE LA DEFENSE SUITE A LA DECISION DE LA CHAMBRE DU 28 AOUT 2009 REJETANT SA REQUETE EN ARRET DES PROCEDURES	TC 2
03-Sep-09	ICTR-02-78-0203	GASPARD KANYARUKIGA - DECISION ON THE DEFENCE MOTION FOR WITNESS PROTECTION MEASURES Rules 69 and 75 of the Procedure and Evidence	TC 2
03-Sep-09	ICTR-98-44-4059	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO VARY PROTECTIVE MEASURES FOR WITNESSES MEM, RGM AND JK 312 IN THE KAJELIJELI CASE, AND FOR WITNESS DC IN THE NDINDABAHIZI CASE	TC 3
07-Sep-09	ICTR-02-78-0206	ICTR- 02-78-T - GASPARD KANYARUKIGA - REPLY TO THE PROSECUTOR'S RESPONSE TO THE MOTION FOR CERTIFICATION TO APPEAL THE TC'S DECISION ON THE EXTREMELY URGENT DEFENCE MOTION FOR A STAY OF PROCEEDINGS	TC 2
07-Sep-09	ICTR-98-44-4065	KAREMERA ET AL - REQUETE DE EDOUARD KAREMERA POUR UNE CERTIFICATION D'APPEL DE LA "DECISION ON THE PROSECUTOR'S MOTION FOR ADMISSION OF IP 32 INTO EVIDENCE PURSUANT TO RULE 89 (C) "	TC 3
08-Sep-09	ICTR-98-44-4066	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON 16TH NOTICE OF RULE 68 VIOLATION	TC 3



Date	Record Number	Title	TC
09-Sep-09	ICTR-00-56-1127	NDINDILYIMANA ET AL - DECISION ON JOSEPH NZIRORERA'S RENEWED MOTION FOR VARIATION OF PROTECTIVE MEASURES FOR WITNESSES DB15-11, DC2-5 AND CBP99	TC 2
09-Sep-09	ICTR-98-44-4068	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO REQUETE DE EDOUARD KAREMERA POUR UNE CERTIFICATION D'APPEL DE LA "DECISION ON THE PROSECUTOR'S MOTION FOR ADMISSION OF IP 32 INTO EVIDENCE PURSUANT TO RULE 89 (C) "	TC 3
09-Sep-09	ICTR-98-44-4067	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S RENEWED MOTION FOR VARIATION OF PROTECTIVE MEASURES FOR WITNESSES DB15-11 AND CBP99	TC 2
10-Sep-09	ICTR-98-44-4076	KAREMERA ET AL - DECISION EN RENVOI SUR LA REQUETE DE MATTHIEU NGIRUMPATSE EN DEMANDE DE MISE EN LIBERTE PROVISOIRE	TC 3
10-Sep-09	ICTR-98-44-4073	KAREMERA ET AL - DECISION FOLLOWING JOSEPH NZIRORERA'S SUBMISSION OF RULE 92 BIS CERTIFIED STATEMENTS	TC 3
10-Sep-09	ICTR-98-44-4075	KAREMERA ET AL - DECISION ON REMAND REGARDING CONTINUATION OF TRIAL	TC 3
11-Sep-09	ICTR-02-78-0215	KANYARUKIGA - PROSECUTOR'S RESPONSE TO THE MOTION FOR CERTIFICATION TO APPEAL THE TC'S DECISION ON THE DEFENCE MOTION TO ADJOURN PROCEEDINGS	TC 2
11-Sep-09	ICTR-00-61-0092	GATETE - DECISION ON DEFENCE MOTION FOR THE DISCLOSURE OF IDENTIFYING INFORMATION IN RELATION TO WITNESSES TO BE CALLED BY THE PROSECUTION	TC 3
14-Sep-09	ICTR-02-78-0214	KANYARUKIGA - REPLY TO THE PROSECUTOR'S RESPONSE TO THE MOTION FOR CERTIFICATION TO APPEAL THE TC'S DECISION ON THE DEFENCE MOTION TO ADJOURN PROCEEDINGS	TC 2
14-Sep-09	ICTR-99-50-2115	BIZIMUNGU ET AL - REPOSE ET ARGUMENTATION DU DR. CASIMIR BIZIMUNGU A LA REQUETE DE JUSTIN MUGENZI INTITULEE: (MOTION TO RECONSIDER THE DECISION OF 28 AUGUST 2009	Trial Team IV
14-Sep-09	ICTR-98-41-2378	[MILITARY I] - BAGOSORA ET AL - REGISTRAR'S SUBMISSION UNDER RULE 33(B) OF THE RULES ON THE IMPLEMENTATION OF THE AC'S "DECISION ON ALOYS NTABAKUZE'S MOTION FOR SEVERANCE, RETENTION OF THE BRIEFING SCHEDULE AND JUDICIAL BAR TO UNTIMELY...	AC
15-Sep-09	ICTR-98-44-4084	KAREMERA ET AL - APPEL DE MATHIEU NGIRUMPATSE CONTRE LA DECISION ON REMAND REGARDING CONTINUATION OF TRIAL DU 10 SEPTEMBRE 2009 ET DEMANDE DE DELAI POUR EN DEPOSER LES MOTIFS	TC 3
16-Sep-09	ICTR-99-54-0225/2	NGIRABATWARE - DECISION RELATIVE A LA REQUETE INTITULEE "DEFENCE URGENT MOTION FOR AN ORDER DIRECTED AT THE KINGDOM OF BELGIUM PURSUANT TO ARTICLE 28 OF THE STATUTE"	TC 2
16-Sep-09	ICTR-99-54-0225/1	NGIRABATWARE - DECISION ON DEFENCE URGENT MOTION FOR AN ORDER DIRECTED AT THE KINGDOM OF BELGIUM PURSUANT TO ARTICLE 28 OF THE STATUTE.	TC 2
16-Sep-09	ICTR-02-78-0216	KANYARUKIGA - DECISION ON THE DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TC'S DECISION ON THE EXTREMELY URGENT DEFENCE MOTION FOR A STAY OF THE PROCEEDINGS (Rule 73(B) of the rpe)	TC 2
16-Sep-09	ICTR-01-72-0307	BIKINDI - DECISION ON SIMON BIKINDI'S MOTIONS TO ADMIT ADDITIONAL EVIDENCE PURSUANT TO RULE 115 OF THE RULES	TC 3
16-Sep-09	ICTR-98-41-2379	[MILITARY I] - BAGOSORA ET AL - DECISION ON ALOYS NTABAKUZE'S MOTION TO DECLARE THE PROSECUTION'S RESPONSE BRIEF INADMISSIBLE AND THE PROSECUTION'S MOTION FOR LEAVE TO FILE A SUR-REPLY	AC



Date	Record Number	Title	TC
16-Sep-09	ICTR-01-73-0748	ZIGIRANYIRAZO - DECISION ON ZIGIRANYIRAZO'S MOTION FOR ADMISSION OF ADDITIONAL EVIDENCE ON APPEAL	TC 3
17-Sep-09	ICTR-02-78-0217	KANYARUKIGA - DECISION ON THE DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TC'S ORAL DECISIONS OF 31 AUGUST 2009 (Rule 73(B) and 73(F) of the RPE	TC 2
17-Sep-09	ICTR-98-44-4089	KAREMERA ET AL - DECISION ON MATHIEU NGIRUMPATSE'S MOTION FOR EXTENSION OF TIME TO FILE APPEAL SUBMISSIONS AGAINST TC'S DECISIONS OF 10 SEPTEMBER 2009	TC 3
18-Sep-09	ICTR-99-54-0226	NGIRABATWARE - DECISION ON DEFENCE EXTREMELY URGENT MOTION ON ISSUES RELATED TO THE PREPARATION OF THE TRIAL	TC 2
18-Sep-09	ICTR-98-41-2382	[MILITARY I] - BAGOSORA ET AL - DECISION ON AUGUSTIN NGRABATWARE'S MOTION FOR DISCLOSURE OF CLOSED SESSION TESTIMONY AND EXHIBITS UNDER SEAL	AC
18-Sep-09	ICTR-98-44-4094	KAREMERA ET AL - DECISION SUITE A LA REPOSE DU PROCUREUR AU MEMOIRE DE MATTHIEU NGIRUMPATSE DU 14 SEPTEMBRE 2009	TC 3
18-Sep-09	ICTR-98-41-2381	[MILITARY I] - BAGOSORA ET AL - DECISION ON ALOYS NTABAKUZE'S MOTION FOR EXTENSION OF TIME FOR FILING HIS REPLY TO THE RESPONSE BRIEF	AC
22-Sep-09	ICTR-97-31-0260	RENZAHO - DECISION ON THARCISSE RENZAHO'S MOTION FOR EXTENSION OF TIME FOR THE FILING OF NOTICE OF APPEAL AND BRIEF IN REPLY	AC
23-Sep-09	ICTR-99-50-2117	BIZIMUNGU ET AL - DECISION ON MUGIRANEZA'S REQUEST FOR CERTIFICATION TO APPEAL AND MUGENZI'S AND BIZIMUNGU'S REQUESTS FOR RECONSIDERATION OF THE DECISION ON THE OBJECTIONS OF MUGIRANEZA AND BICAMUMPAKA TO THE ENGAGEMENT OF MR. EVERARD O'DONNELL AS A CHA	Trial Team IV
23-Sep-09	ICTR-98-44-4096	KARTEMERA ET AL - PROSECUTOR'S RESPONSE TO NGIRUMPATSE'S MOTION FOR CERTIFICATION TO APPEAL THE TC III DECISION OF 10 SEPTEMBER 2009 CONCERNING THE RESUMPTION OF THE TRIAL	TC 3
24-Sep-09	ICTR-04-81-0209	SETAKO - DECISION ON DEFENCE REQUEST FOR EXTENSION OF TIME TO FILE CLOSING BRIEF	TC 1
24-Sep-09	ICTR-01-73-0752	ZIGIRANYIRAZO - DECISION ON ZIGIRANYIRAZO'S SECOND MOTION FOR ADMISSION OF ADDITIONAL EVIDENCE ON APPEAL	AC
24-Sep-09	ICTR-98-44-4098	KAREMERA ET AL - REPLIQUE SUR LA CERTIFICATION D'APPEL POUR MATTHIEU NGIRUMPATSE CONTRE LA DECISION ON REMAND REGARDING CONTINUATION OF TRIAL DU 10 SEPTEMBER 2009	TC 3
24-Sep-09	ICTR-98-44-4102	KAREMERA ET AL - DECISION ON EDOUARD KAREMERA 'S MOTION FOR CERTIFICATION TO APPEAL THE "DECISION ON THE PROSECUTOR'S MOTION FOR ADMISSION OF I-P-32 INTO EVIDENCE PURSUANT TO RULE 89 (C)"	TC 3
25-Sep-09	ICTR-98-44-4110/1	KAREMERA ET AL - MEMOIRE D'APPEL DE M. NGIRUMPATSE CONTRE LA DECISION EN RENVOI SUR LA REQUETE DE MATTHIEU NGIRUMPATSE EN DEMANDE DE MISE EN LIBERTE PROVISOIRE	AC
25-Sep-09	ICTR-98-44-4107	KAREMERA ET AL - MEMOIRE D'APPEL DE M NGIRUMPATSE CONTRE LA DECISION ON REMAND REGARDING CONTINUATION OF TRIAL DU 10 SEPTEMBRE 2009	AC
25-Sep-09	ICTR-99-54-0229	NGIRABATWARE - PROSECUTOR'S RESPONSE TO DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TC'S DECISION DATED 15 SEPTEMBER 2009 RULE (B) OF RULES OF PROCEDURE AND EVIDENCE	TC 2
28-Sep-09	ICTR-99-54-0230	NGIRABATWARE - DEFENCE'S REPLY TO THE PROSECUTOR'S RESPONSE TO DEFENCE MOTION FOR CERTIFICATION TO APPEAL THE TC DECISION DATED 17 SEPTEMBER 2009 RULE 73(B) OF RULES OF PROCEDURE AND EVIDENCE	TC 2
28-Sep-09	ICTR-01-63-0340	NCHAMIHIGO - DECISION ON SIMEON NCHAMIHIGO'S SECOND MOTION FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE ON APPEAL	AC

Date	Record Number	Title	TC
28-Sep-09	ICTR-98-44D-0073	NZABONIMANA - DECISION ON CALLIXTE NZABONIMANA'S REQUEST FOR SUBPOENA TO PROFESSOR PHILIP VERWIMP AND COOPERATION FROM THE KINGDOM OF BELGIUM	TC 3
29-Sep-09	ICTR-98-41-2385	[MILITARY I] - BAGOSORA ET AL - DECISION ON ALOYS NTABAKUZE'S URGENT MOTION FOR FURTHER EXTENSION OF TIME FOR FILING HIS BRIEF IN REPLY	AC
30-Sep-09	ICTR-05-82-0091	NTAWUKULILYAYO - DECISION ON DEFENCE MOTION FOR LEAVE TO VARY ITS WITNESS LIST TO ADD THREE WITNESSES AND EXTEND PROTECTIVE MEASURES ; AND THE CHAMBER'S FURTHER ORDER TO REDUCE THE DEFENCE WITNESS LIST	TC 3
30-Sep-09	ICTR-98-44-4118	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR SELECTIVE PROSECUTION DOCUMENTS	TC 3

News from Kigali

ICTR Outreach and Capacity Building Activities

- **ICTR Conducts Awareness Raising Workshop in Schools**

As part of the 2009 Outreach Programme, the ICTR is conducting its annual Awareness Raising Workshops in Rwandan Schools .The exercise that started on 8 September 2009 in the District of Rulindo, Northern Rwanda, will be concluded on 24 October 2009 in the District of Nyagatare, Eastern Rwanda.



Charles Kamuru addressing the students

The purpose of the workshops is to effectively inform and sensitize the Rwandan Youth in Schools on their role in contributing to National Reconciliation in Rwanda, and to have an overall understanding of the work of the Tribunal.

Through its Information and Documentation Centre, based in Kigali, the ICTR plans to implement the awareness raising workshops in about 32 schools located in the southern, northern, western and eastern provinces respectively. The Institutions covered and those that will follow until the end of the programme are those in the Districts of Rulindo, Musanze, Rubavu, Huye, Rusizi, Rwamagana and Nyagatare.

With an adequate public address system and screening of the documentary film *"Justice Today, Peace Tomorrow"*, the exercise is characterized by a

brief introduction by the Director of each school, followed by the presentation on the work of the Tribunal made to the students by the ERSPS team from Kigali.

At the end of the program, copies of ICTR Publications in Kinyarwanda, French and English and other information material were given to the school library.

It is gratifying to note that the participants of the workshops grasp and understand the work of the ICTR and its contribution towards the justice and reconciliation process in Rwanda.

These workshops form an essential part of the Legacy of the ICTR as it moves towards the end of its mandate.

- **ICTR Trains Provincial Legal Personnel**

Following the request forwarded to the Registrar of the ICTR, Mr. Adama Dieng and other senior Tribunal Officials who presided over, at different times, the launching of the ICTR Provincial Centres in the country, from 6 September to 13 November 2009, ICTR Staff members from Umusanzu Information Centre are involved with the programme of conducting a series of training for Rwanda's Provincial Legal Officers In Online Legal Information Research. Upto 220 participants, including Judges, Prosecutors, Registrars and other Legal personnel from the Districts of Musanze, Nyagatare, Ngoma, Karongi, Gicumbi, Nyamagabe, Muhanga, Rusizi and Rubavu are benefiting from the exercise.



Jonas Mutwaza during the Training



The overall objective of the training seminar, like similar ones held before, is to equip the participants with the knowledge, skills and techniques that are necessary to conduct efficient information search on the internet. Specifically, the workshops are designed and delivered to enable the participants become aware of the incalculable volume of free and subscription based information resources available on the internet and familiarize themselves with a wide variety of research tools that are available electronically.

The training is facilitated by Jonas Mutwaza of Umusanzu Library, supported by the ERSPS Team from Kigali.

It follows similar ones already organized by the ICTR for Judges, Prosecutors, members of the Rwandan Bar Association and Professionals from Rwanda's High Institutions of Learning as part of the Tribunals support to strengthen the capacity of Rwanda's judicial sector.

- **ICTR Holds Workshop on International Criminal Law in Rwanda**

As part of the ongoing cooperation between the International Criminal Tribunal for Rwanda (ICTR) and the Kigali Bar Association, from 31 August to 5 September 2009, a workshop on International Criminal Law and a Moot competition was organized for more than 60 Rwandan lawyers at LAICO Hotel, Umubano, Kigali.

This training is one of a series of training sessions organized by the ICTR and aimed at strengthening the capacity of the Rwandan Justice Sector.



Speaking at the opening ceremony, Mr. Vincent Karangwa, the President of the Kigali Bar Association thanked the ICTR for its continued support in strengthening the capacity of Rwandan Legal Professionals.

In his remarks, Mr. Patrick Enow, Legal Adviser in the Court Management Section, said that this training is one of the important pillars of the justice system and would enable the exchange of legal experience in the

prosecution of International Crimes.

Mr. Mandiaye Niang, who represented the Registrar, at the closing ceremony thanked the Government of Rwanda for supporting the training initiatives aimed at strengthening the Rwandan Justice Sector. He stressed that such a workshop was instrumental in providing the Rwandan Lawyers with the capacity to handle the legacy to be left behind by the Tribunal when it concludes its work.

Mr. Niang also pointed out that the ICTR was committed, within its limited resources and with the support of other partners, to continue with the capacity building of the Rwandan Judiciary. He thanked the European Union for its continued financial support to the Rwandan Justice Sector and more particularly to this workshop.

He appraised the existing cordial and excellent relationship between the ICTR and the Government of Rwanda.

This training that focused on topics like the Crime of Genocide and Crimes against Humanity in International Law, Victims in International and Domestic Criminal Systems and ICTR Jurisprudence on War Crimes and the Moot Competition; was facilitated by legal experts from ICTR.

It was the third workshop to be organized for Rwandan Lawyers following similar ones for Judges, Prosecutors and other Legal Professionals.

Visitors to the ICTR

- **ICTR Group of Friends Visit the Tribunal**

The ICTR Group of Friends composed of the Ambassadors and High Commissioners of Belgium, Canada, Germany (the organizer) Italy, UK, France, Netherlands and United States of America, visited the Tribunal on 25 September 2009. They held, among other activities, a collective meeting with ICTR Senior Officials, the President, the Prosecutor and the Registrar and their close collaborators, to discuss the progress made in the ICTR Completion Strategy as well as the various areas where their support would be needed. The Ambassador of Germany signed an Agreement with the Registrar of the Tribunal on a Youth Sensitization Programme and the British High Commissioner, an Agreement with the ICTR Prosecutor on the handling of material provided by the OTP to British law enforcement agencies. The signing of these agreements was followed by a short press briefing after which the Group of Friends was taken to the United Nations Detention Facility for a tour of the facility and a briefing on its activities by the UNDF Commander.