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**Report of the International Criminal Tribunal for
the Prosecution of Persons Responsible for Genocide
and Other Serious Violations of International
Humanitarian Law Committed in the Territory of
Rwanda and Rwandan Citizens Responsible for
Genocide and Other Such Violations Committed in
the Territory of Neighbouring States between 1 January
and 31 December 1994****Security Council
Sixty-fifth year****Report of the International Criminal Tribunal for Rwanda****Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly and to the members of the Security Council the fifteenth annual report of the International Criminal Tribunal for Rwanda, submitted by the President of the International Criminal Tribunal for Rwanda in accordance with article 32 of its statute (see Security Council resolution 955 (1994), annex), which states:

The President of the International Tribunal for Rwanda shall submit an annual report of the International Tribunal for Rwanda to the Security Council and to the General Assembly.

* A/65/150.



Letter of transmittal

30 July 2010

I have the honour to submit the fifteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, dated 30 July 2010, to the General Assembly and the Security Council, pursuant to article 32 of the Statute of the International Tribunal.

(Signed) Charles Michael Dennis **Byron**
President

President of the General Assembly
United Nations
New York

President of the Security Council
United Nations
New York

Fifteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Summary

The present annual report outlines the activities of the International Criminal Tribunal for Rwanda for the period from 1 July 2009 to 30 June 2010.

During the past year, the Tribunal continued its efforts to complete its remaining workload at the trial and appeals levels expeditiously. Despite major difficulties, in particular regarding staff retention and recruitment, the Tribunal made significant progress, with the delivery of seven trial judgements during the reporting period. Twelve judgements involving 24 accused remain to be delivered in ongoing cases and in two trials that will commence later in 2010. Completion of the first instance work is expected by the end of 2011.

The Appeals Chamber rendered four judgements in single-accused cases, bringing to 31 the total number of persons whose judgements have been completed at the appellate level. Completion of the appeals work is expected by the end of 2013.

The Office of the Prosecutor succeeded in ensuring the arrest of three fugitives during the reporting period through close cooperation with Member States in the region, bringing the number of fugitives down to 10. It also focused on providing support to national authorities in the prosecution of crimes relating to the 1994 Rwandan genocide. Continuous support was also extended to the Rwandan authorities to assist them in meeting the conditions for the transfer of cases from the Tribunal.

The Registry maintained a high-level of administrative and judicial support to the Tribunal. It ensured the cooperation and assistance of Member States with the Tribunal and strengthened further its outreach and capacity-building activities in Rwanda. Trial proceedings continued to receive support from the various units and sections of the Judicial and Legal Services Division. The Division of Administrative Support Services continued its work to ensure the efficient management of the Tribunal's downsizing process.

All organs of the Tribunal are undertaking their best efforts to complete the work of the Tribunal expeditiously and to prepare for a smooth transition to the residual mechanism. Those efforts require essential cooperation and support from Member States: 10 fugitives remain to be arrested, the three acquitted persons need countries for relocation and the Tribunal needs to be provided with sufficient resources to be in a position to complete its tasks in the expected time frame. The Tribunal counts on the ongoing support of Member States to achieve its goals.

Contents

	<i>Page</i>
I. Introduction	5
II. Activities of the Tribunal	5
A. Activities of the President	5
B. Activities of coordination mechanisms	6
C. Activities of the Chambers	7
D. Activities of the Office of the Prosecutor	13
E. Activities of the Registry	14
III. Conclusion and recommendations	19

I. Introduction

1. The fifteenth annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 (“the Tribunal”) outlines the activities of the Tribunal for the period from 1 July 2009 to 30 June 2010.

2. The Tribunal, through the Office of the President, the Chambers, the Office of the Prosecutor and the Registry, continued its efforts to meet the goals of its completion strategy, as endorsed by the Security Council in resolution 1503 (2003). Intense trial and appeals activity and judgement drafting continued throughout the year.

II. Activities of the Tribunal

3. The Tribunal consists of three Trial Chambers, one Appeals Chamber, the Office of the Prosecutor and a Registry. Since 21 May 2007, Judge Dennis Byron (Saint Kitts and Nevis) has served as President and Judge Khalida Rachid Khan (Pakistan) as Vice-President both currently in their second term.

A. Activities of the President

1. Judicial activity

4. During the reporting period, the President made decisions on the transfer of one convicted person to a Member State for the enforcement of his sentence. It is expected that the transfer will take place shortly. The President also issued orders on a variety of other matters, including State cooperation and conditions of detention.

2. Completion strategy

5. In close cooperation with the Prosecutor and the Registrar, the President continued to implement the Tribunal’s completion strategy. On 3 December 2009 and 18 June 2010, the President presented the six-monthly completion strategy reports to the Security Council. In the course of 2009, the Tribunal successfully handled the difficult task of commencing the evidence phase in 10 new trials. In eight of those 10 cases, the evidence phase was completed in the reporting period without compromising the rights of the accused to a fair trial. In four of the 10 cases, judgement has already been delivered.

6. In order to further improve the management of trials, on 3 May 2010 the President issued two practice directions, on the length and timing of closing briefs and closing arguments, and on site visits.

7. Staff retention difficulties remain one of the major impediments to the timely achievement of the completion strategy goals. Between 1 July 2009 and 30 June 2010, a total of 167 staff members left the Tribunal for more stable jobs within the United Nations or other organizations: 26 staff members left the Chambers, 34 the

Office of the Prosecutor, 46 the Administration and 61 other sections of the Registry. The replacement of departing staff members is a lengthy process, which even in a best-case scenario would result in delays and cannot compensate for the continuous loss of institutional memory. The Security Council, in resolution 1932 (2010) called upon the Secretariat and other relevant United Nations bodies to continue to work with the Registrar of the Tribunal in order to find practicable solutions to address the staffing situation.

8. In close cooperation, all three organs of the Tribunal worked to prepare for the transition to the residual mechanism after the closure of the Tribunal. The Legacy Committee, comprising representatives of all the organs, coordinated those activities under the guidance of the Coordination Council.

3. Diplomatic relations and other representation

9. The President maintained regular contact with United Nations Headquarters and the diplomatic community, both in the host country, at the seat of the United Nations and in other countries. The United Nations Secretariat, and in particular the Office of Legal Affairs, provided important legal advice and diplomatic support to ensure smooth cooperation between the Tribunal, the Security Council and the General Assembly.

10. On the occasion of their briefings of the Security Council, both the President and the Prosecutor of the Tribunal, and in June 2010 the Registrar also, participated in meetings of the informal working group of the Security Council on the international tribunals. This allowed for comprehensive and open discussions with the legal advisers of the Security Council members on all pertinent issues.

B. Activities of coordination mechanisms

1. Coordination Council

11. The Coordination Council, consisting of the President, the Prosecutor and the Registrar, met regularly to discuss issues affecting the entire Tribunal, such as the completion strategy, staffing and budgetary matters. The Coordination Council, supported by the Tribunal Legacy Committee, also approved measures to implement the recommendations set out in the report of the Secretary-General on the administrative and budgetary aspects of the options for possible locations for the Tribunal archives and the seat of the residual mechanism (S/2009/258).

2. Bureau

12. The Bureau, composed of the President, the Vice-President and the presiding judges of the three Trial Chambers, was consulted by the President in regular meetings and through written exchanges on issues relating to the functioning of the Tribunal.

3. Plenary sessions

13. During the reporting period, the Tribunal judges met in one plenary session to discuss a variety of issues. The plenary adopted an amendment to the Rules of Procedure and Evidence consisting of the addition of a new rule 71 bis, allowing for evidence preservation hearings in the cases of fugitives.

4. Rules Committee

14. The Rules Committee submits or discusses proposals for amendments to the Rules of Procedure and Evidence. It is currently composed of Judges Vagn Joensen (Chair), Bakhtiyar Tuzmukhamedov and Seon Ki Park, assisted by Legal Officers from the Chambers. For matters relevant to the general conduct of trials, the Committee sits in an extended format, supported by representatives of the Office of the Prosecutor and Defence Counsel.

C. Activities of the Chambers

1. Composition of the Chambers

15. The Chambers comprise three Trial Chambers and one Appeals Chamber and are currently composed of 13 permanent judges and 11 ad litem judges. Trial Chamber I completed its work with the delivery of the *Munyakazi* Judgement on 30 June 2010 and will be discontinued.

16. Six of the permanent judges and all the ad litem judges sit in the three Trial Chambers. Two permanent judges, Judges Erik Møse (Norway) and Sergei Alekseevich Egorov (Russian Federation) left the Tribunal after the completion of their final case in February 2010. A new permanent judge, Judge Bakhtiyar Tuzmukhamedov (Russian Federation), joined the Tribunal in September 2009.

17. Seven permanent judges sit in the Appeals Chamber. Two of them, Judges Mehmet Güney (Turkey) and Andrézia Vaz (Senegal), are from the International Criminal Tribunal for Rwanda, and the five other judges are from the International Tribunal for the Former Yugoslavia.

18. The Trial Chambers are currently composed of Judges Dennis Byron (Saint Kitts and Nevis), Khalida Rachid Khan (Pakistan), William H. Sekule (United Republic of Tanzania), Arlette Ramaroson (Madagascar), Joseph Asoka Nihal De Silva (Sri Lanka) and Bakhtiyar Tuzmukhamedov (Russian Federation) as permanent judges and Solomy Balungi Bossa (Uganda), Lee Gacuiga Muthoga (Kenya), Florence Rita Arrey (Cameroon), Emile Francis Short (Ghana), Taghrid Hikmet (Jordan), Seon Ki Park (Republic of Korea), Gberdao Gustave Kam (Burkina Faso), Vagn Joensen (Denmark), Joseph Masanche (United Republic of Tanzania), Mparany Rajohnson (Madagascar) and Aydin Sefa Akay (Turkey) as ad litem judges. Judges De Silva and Short continue to work on a part-time basis while completing their current assignments, after taking up employment in their home countries.

19. The Appeals Chamber is composed of Judges Patrick Robinson (Jamaica) as presiding judge, Mehmet Güney (Turkey), Fausto Pocar (Italy), Liu Daqun (China), Andrézia Vaz (Senegal), Theodor Meron (United States of America) and Carmel Agius (Malta).

20. In its resolution 1932 (2010), the Security Council extended the term of office of two of the judges of the Appeals Chamber until 31 December 2012 and of five permanent and nine ad litem judges until 31 December 2011, or the completion of the cases to which they are assigned, if sooner.

21. The inequality in emoluments between permanent and ad litem judges despite an equal workload and equal responsibilities has been a major source of concern for

the Tribunal. The Tribunal therefore welcomed the adoption of General Assembly resolution 64/261, in which the Assembly decided that the matter would be addressed with priority at its sixty-fifth session.

2. Principal activities of the Trial Chambers and the Appeals Chamber

(a) Trial Chamber I

22. During the reporting period, Trial Chamber I rendered four judgements. With the judgement in the *Munyakazi* trial, the work before Trial Chamber I was completed.

Judgements rendered

Renzaho

23. The Chamber, composed of Judges Møse, presiding, Egorov and Arrey, delivered the judgement in the case of Colonel Tharcisse Renzaho (former *préfet* of Kigali-Ville) on 14 July 2009. He was sentenced to life imprisonment for genocide, crimes against humanity and war crimes. The trial had opened on 8 January 2007. During the trial, the parties called 53 witnesses over the course of 49 trial days. Closing arguments were heard on 14 and 15 February 2008.

Nsengimana

24. On 17 November 2009, the same Chamber rendered a judgement acquitting Hormisdas Nsengimana, a priest and former rector of the *Collège Christ-Roi* in Nyanza, on all counts: genocide and murder and extermination as crimes against humanity. The trial had opened on 22 June 2007. Forty-three witnesses testified in the course of 42 trial days. Closing arguments were heard on 12 February 2009.

Setako

25. On 25 February 2010, the same Chamber also rendered the judgement in the case of Ephrem Setako, a lieutenant-colonel and Director of the Judicial Affairs Division of the Ministry of Defence. Setako was convicted of genocide, extermination as a crime against humanity and war crimes and sentenced to 25 years' imprisonment. The trial opened on 25 August 2008. Fifty-six witnesses gave evidence over the course of 60 trial days. The closing arguments were heard on 5 November 2009.

Munyakazi

26. On 30 June 2010, the Trial Chamber, composed of Judges Arrey, presiding, Akay and Rajohnson, delivered the judgement in the case of Yussuf Munyakazi, a businessman. He was convicted of genocide and extermination as a crime against humanity and sentenced to 25 years' imprisonment. The trial opened on 22 April 2009. The Chamber heard 11 prosecution and 20 defence witnesses over the course of 19 trial days. The parties filed their written closing briefs on 16 December 2009. The closing arguments were heard on 28 January 2010.

(b) **Trial Chamber II**

27. During the reporting period, Trial Chamber II completed the evidence phase in two single-accused trials and continued judgement drafting in three multi-accused cases involving 14 accused. One single-accused trial is ongoing.

Three multi-accused and two single-accused cases in the judgement writing phase

28. The case of *The Prosecutor v. Casimir Bizimungu et al.* (“Government II” case) before Judges Khan, presiding, Muthoga and Short concerns four former Rwandan ministers of the Interim Government of 9 April 1994: Casimir Bizimungu, Justin Mugenzi, Prosper Mugiraneza and Jérôme-Clément Bicamumpaka. The trial spanned 404 trial days, during which 171 witnesses testified and over 8,000 pages of exhibits were entered into evidence. The closing arguments were delivered in December 2008. During the reporting period, the Chamber was involved in deliberations and judgement drafting and issued eight decisions and orders, three of which were confidential. Judgement delivery is anticipated for the first half of 2011.

29. In the *Nyiramasuhuko et al.* trial (“Butare” case) before Judges Sekule, presiding, Ramarosan and Bossa, the case was closed on 2 December 2008 and the parties’ oral closing arguments were heard from 20 to 30 April 2009. The trial involves six accused: Pauline Nyiramasuhuko (former Minister of Family and Women’s Development); Arsène Shalom Ntahobali (alleged leader of an Interahamwe group in Butare in April 1994); Sylvain Nsabimana (*préfet* of Butare from 19 April to 17 June 1994); Alphonse Nteziryayo (*préfet* of Butare from 17 June to July 1994); Joseph Kanyabashi (former *bourgmestre* of Ngoma Commune in Butare *préfecture*); and Elie Ndayambaje (former *bourgmestre* of Muganza Commune in Butare *préfecture*). Since 1 July 2009, the Chamber issued two written decisions. Following the Chamber’s order of 30 October 2009, a new *amicus curiae* report for alleged false testimony and contempt of court in relation to three witnesses was filed and the decision on that matter is pending. The Chamber is currently deliberating on the judgement, which is anticipated for December 2010.

30. In the *Ndindiliyimana et al.* trial (“Military II” case) before Judges De Silva, presiding, Hikmet and Park, the Chamber continued its deliberations and judgement drafting. The case involves four accused: François-Xavier Nzuwonemeye (former Commander of the Reconnaissance Battalion of the Rwanda Army), Augustin Bizimungu (former Chief of Staff of the Rwandan Army), Augustin Ndindiliyimana (former Chief of Staff of the *Gendarmerie nationale*) and Innocent Sagahutu (former commander of Squadron A, Reconnaissance Battalion of the Rwanda Army). The Chamber heard the parties’ closing arguments on 24, 25 and 26 June 2009. During the reporting period, the Chamber rendered nine written decisions, including an order to the Registrar to appoint an *amicus curiae* to investigate the recantation by witness GFR of his testimony before the Chamber. Judgement delivery is anticipated for the end of 2010.

31. Trial Chamber II, composed of Judges Ramarosan, presiding, Hikmet and Masanche, will deliver the judgement in the case of *Prosecutor v. Ildephonse Hategekimana*, former commander of Ngoma Military Camp, in October 2010. The trial commenced on 8 March 2009 and closed on 6 October 2009. Over the course of 43 trial days, the prosecution and the defence called 20 witnesses each. A site visit to Rwanda involving the Chambers and both parties was conducted between 2 and

6 November 2009. The parties filed their closing briefs on 1 February 2010 and delivered their closing arguments on 26 April 2010. The Chamber issued 14 decisions and orders during the reporting period.

32. Another section of the Chamber is currently drafting the judgement in the trial against Gaspard Kanyarukiga, a businessman. The trial commenced on 31 August 2009 before Judges Hikmet, presiding, Park and Masanche, and closed on 11 February 2010 after 28 trial days. The prosecution called 11 witnesses, the defence 23. The Chamber conducted a site visit in Rwanda between 19 and 21 April 2010. The parties filed their closing briefs on 11 May 2010. The closing arguments were heard on 24 May 2010. The Chamber issued 35 written decisions and orders during the reporting period. Judgement delivery is expected in September 2010.

Ongoing trial

Ngirabatware

33. The case of Augustin Ngirabatware (former Minister of Planning) opened on 23 September 2009. Over the course of 46 trial days, the Chamber, composed of Judges Sekule (presiding), Bossa and Rajohnson, heard the evidence of 17 Prosecution witnesses. The Chamber is currently considering a prosecution motion to add five alibi rebuttal witnesses in August and September 2010. Regardless of the outcome, the defence case is scheduled to commence in mid-November 2010. Judgement delivery is expected for September 2011. During the reporting period, the Chamber rendered 33 written decisions, two oral decisions and one scheduling order. On 12 March 2009, after concluding that sufficient evidence existed to initiate contempt proceedings against an individual for allegedly disclosing confidential information and threatening, intimidating and otherwise interfering with a prosecution witness, the Chamber issued an order in lieu of an indictment.

(c) Trial Chamber III

34. During the reporting period, Trial Chamber III rendered three judgments, one in a retrial, one in a contempt proceeding and one in relation to a guilty plea, completed the evidence in two cases, continued trial proceedings in one multi-accused trial, commenced proceedings in one further case and prepared for trial in two cases.

Judgement

Nshogoza

35. The Chamber, composed of Judges Khan, presiding, Muthoga and Akay, delivered the judgement against Léonidas Nshogoza, a former defence investigator in the *Kamuhanda* trial, on 2 July 2009. It convicted Nshogoza on one count of contempt of the Tribunal and acquitted him on three other counts in the indictment. Nshogoza was sentenced to 10 months' imprisonment. Noting that Nshogoza was entitled to credit for time served at the United Nations Detention Facility in Arusha since 8 February 2008, the Chamber ordered his immediate release. The trial opened on 9 February 2009. The Chamber heard 16 witnesses over 23 trial days. Closing arguments were heard on 29 April 2009.

Sentencing judgement in *Bagaragaza*

36. The Chamber, composed of Judges Joensen, presiding, Tuzmukhamedov and Kam, rendered the sentencing judgement against Michel Bagaragaza, the former Director General of the Government office that controlled the Rwandan tea industry, on 5 November 2009. He was sentenced to eight years' imprisonment. Bagaragaza's trial had been scheduled to start on 31 August 2009. However, shortly before that date, the parties filed a joint motion for the consideration of a guilty plea for complicity in genocide. The Chamber accepted the guilty plea of the accused on 17 September 2009 and granted the prosecution's motion to amend the indictment, dropping all other charges against Bagaragaza. On 3 and 4 November 2009, the Chamber heard one character witness, admitted written evidence and heard the closing arguments of the parties.

Judgement in *Muvunyi* (retrial)

37. On 11 February 2010, the Chamber, composed of Judges Byron, presiding, Kam and Joensen, rendered its judgement in the retrial of Tharcisse Muvunyi, the former interim commander of the External Service Organization camp in Butare. Muvunyi was found guilty and sentenced to 15 years' imprisonment with credit for time served. The retrial, which opened on 17 June 2009, related to one allegation of the indictment, namely incitement to commit genocide. The Chamber heard 13 witnesses over nine trial days. Closing arguments were presented on 2 October 2009.

Judgement in drafting: *Ntawukulilyayo*

38. The trial against Dominique Ntawukulilyayo, former *sous-préfet* of Gisagara *sous-préfecture* in Butare *préfecture*, commenced on 6 May 2009 before Judges Khan, presiding, Muthoga and Akay. The prosecution called 12 witnesses over 12 trial days and the Chamber heard 23 defence witnesses over 21 trial days. The evidence phase of the case closed on 17 December 2009. The prosecution and defence closing briefs were filed on 25 February and 25 March 2010, respectively. A site visit in Rwanda was conducted between 25 and 29 April 2010 and the Chamber heard the parties' closing arguments on 14 June 2010. During the reporting period, the Chamber rendered 21 decisions and Orders. Judgement is expected to be delivered by September 2010.

Case awaiting closing arguments: *Gatete*

39. The trial of Jean-Baptiste Gatete began on 20 October 2009 before Judges Khan (presiding), Muthoga and Akay. Evidence was heard over 30 trial days. The prosecution case concluded on 16 November 2009, 22 witnesses having been presented. The defence case began on 2 March 2010 and closed on 29 March 2010; 27 witnesses were called. During the reporting period, the Chamber issued 21 written decisions and six scheduling orders. Closing arguments will be heard on 2 August 2010. Judgement is expected to be rendered by the end of 2010.

Ongoing trials: *Karemera et al.* and *Nzabonimana*

40. In the *Karemera et al.* trial, the Chamber, composed of Judges Byron, presiding, Kam and Joensen, started to hear the defence of the second of the three accused, Joseph Nzirorera, National Secretary of the Mouvement républicain

national pour le développement et la démocratie, at the end of October 2009. However, owing to the demise of Joseph Nzirorera on 1 July 2010 following a long illness, the proceedings against him were terminated. During the reporting period, the Chamber sat for 81 days and heard 49 witnesses and delivered 153 decisions and orders. It is scheduled that Matthieu Ngirumpatse, former President of the Mouvement républicain national pour le développement et la démocratie, will start his defence case on 23 August 2010. The trial also involves Édouard Karemera, Minister of the Interior in the Interim Government and former Vice-President of the Mouvement républicain national pour le développement et la démocratie. Judgement delivery is expected in September 2011.

41. On 9 November 2009, the trial of Callixte Nzabonimana, Minister of Youth in the Interim Government, opened before Judges Bossa, presiding, Tuzmukhamedov and Rajohnson. The prosecution called 19 witnesses and closed its case on 13 April 2010. The defence commenced its case the following day. The Trial Chamber heard 20 witnesses during the first session of the defence case, which closed on 4 June 2010. The trial is scheduled to continue on 5 July 2010. During the reporting period, the Trial Chamber filed 33 written decisions, including several decisions regarding cooperation with a Member State for the obtention of relevant information with regard to an alibi defence. Judgement delivery is expected in October 2011.

Pretrial matters

42. The Chamber, composed of Judge Byron, presiding, Judge Joensen and Judge Akay began pretrial proceedings in the case of Grégoire Ndahimana. He was arrested on 10 August 2009 in the Democratic Republic of the Congo and made his initial appearance on 28 September 2009, when he pleaded not guilty to all counts in the indictment. The Chamber issued six decisions and held a pretrial conference on 26 April 2010. The trial is scheduled to commence on 6 September 2010 before Judges Arrey (presiding), Tuzmukhamedov and Akay.

43. The Chamber composed of Judges Byron, presiding, Kam and Joensen is also handling pretrial matters in the case of Ildephonse Nizeyimana. He was arrested on 5 October 2009 in Uganda and made his initial appearance on 14 October 2009, when he pleaded not guilty to all counts in the indictment. The Chamber held two status conferences with the parties on 5 March 2010 and 10 June 2010, and issued 11 decisions. The trial is expected to commence later in 2010.

(d) Appeals Chamber

44. During the reporting period, the Appeals Chamber was seized of appeals on 10 judgements, 13 interlocutory appeals and 15 motions for review or reconsideration. The Appeals Chamber rendered four judgements, including 1 concerning contempt, 11 interlocutory appeal decisions, 13 decisions related to review or reconsideration and 128 pre-appeal orders and decisions.

Appeal judgements: *Zigiranyirazo, Bikindi, Nchamihigo and Nshogoza*

45. Trial Chamber III convicted Protais Zigiranyirazo, a businessman, for genocide and extermination as a crime against humanity and sentenced him to two terms of 20 years' and one term of 15 years' imprisonment, to be served concurrently. The Appeals Chamber heard the parties on 28 September 2009 in Arusha. In its judgement of 16 November 2009, the Appeals Chamber, having found

serious legal and factual errors in the assessment of his alibi, reversed Zigiranyirazo's convictions and entered a verdict of acquittal.

46. Trial Chamber III convicted Simon Bikindi, a singer and composer, for direct and public incitement to commit genocide and sentenced him to 15 years' imprisonment. The hearing of the appeal took place on 30 September 2009 in Arusha. On 18 March 2010, the Appeals Chamber affirmed Bikindi's conviction and sentence.

47. Trial Chamber III convicted Siméon Nchamihigo, the former Deputy Prosecutor of Cyangugu, for genocide and murder, extermination and other inhumane acts as crimes against humanity and sentenced him to life imprisonment. The Appeals Chamber heard the parties in Arusha on 29 September 2009. On 18 March 2010, the Appeals Chamber partially allowed Nchamihigo's appeal, vacating his convictions for certain crimes while affirming his convictions for genocide and murder, extermination, and other inhumane acts as crimes against humanity. The Appeals Chamber set aside the sentence imposed by the Trial Chamber and sentenced Nchamihigo to 40 years' imprisonment.

48. On 15 March 2010, the Appeals Chamber dismissed the appeal of Léonidas Nshogoza, a former defence investigator, against the conviction for contempt of the Tribunal entered by Trial Chamber III. In affirming the conviction, the Appeals Chamber also affirmed the sentence of 10 months' imprisonment.

Further appeals from judgement

49. Emmanuel Rukundo, Callixte Kalimanzira and Tharcisse Renzaho appealed against their respective trial judgements, as did the prosecutor in the *Rukundo* and *Kalimanzira* cases. The Appeals Chamber heard those appeals in Arusha in June 2010 and deliberations are in progress. Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiumva, as well as Tharcisse Muvunyi and Ephrem Setako filed appeals against their respective trial judgements, as did the prosecutor in the *Muvunyi* and *Setako* cases. The parties' briefing in these appeals is under way.

D. Activities of the Office of the Prosecutor

50. In addition to the preparation and conduct of the trials and appeals mentioned in the present report, the Office of the Prosecutor continued with the preparations for trial of the two recently arrested fugitives, the hearings for preservation of evidence under rule 71 bis, of the Tribunal's Rules of Procedure and Evidence and for the transfer of cases of fugitives to national jurisdictions under rule 11 bis.

51. During the second half of 2009, the accelerated efforts of the tracking team resulted in the arrest of two fugitives, in the Democratic Republic of Congo and in Uganda. Ongoing cooperation with Member States in the region made possible the early transfer of the two arrestees, Grégoire Ndahimana and Ildephonse Nizeyimana, to the Tribunal for trial. A third fugitive, Jean Bosco Uwinkindi, was apprehended in Uganda on 30 June 2010 and transferred to the Tribunal on 2 July 2010. Efforts continue in the tracking team for the arrest of the remaining 10 fugitives, and especially of the three, Félicien Kabuga, Protais Mpiranya and Augustin Bizimana, who are earmarked for trial in Arusha. The other seven fugitives are earmarked for referral to national jurisdictions.

52. The Prosecutor has visited and held fruitful high-level discussions with officials of several Member States on the issue of cooperation with his Office. Cooperation with Kenya has, however, remained a major challenge. In view of the continued non-compliance of Kenya with the requests of the Tribunal, the President of the Tribunal, following a request by the prosecutor under article 28 of the Statute of the Tribunal, notified the Security Council in May 2010 of the failure of Kenya to cooperate with the Tribunal in relation to the fugitive Félicien Kabuga.

53. The Prosecutor continued to engage with Rwanda in its efforts to address the impediments to the referral of cases by the Tribunal, to Rwanda. In the meantime, the Prosecutor handed over to Rwanda the case files of 25 other suspects who have been investigated but not indicted by the Tribunal. It is expected that Rwanda, after further investigations, will take appropriate action against them in the national courts of law.

54. In November 2009, the Prosecutor hosted the annual Colloquium of Prosecutors of the International Criminal Tribunals in Kigali. It was attended by the prosecutors and senior staff of all the international tribunals, representatives of key civil society organizations and some past prosecutors and senior staff of the ad hoc tribunals. In view of the winding down of the ad hoc tribunals, the colloquium engaged in fruitful discussions relating to their legacy, their impact on international criminal and humanitarian law, and processes for strengthening the continuing efforts against impunity for mass crimes.

55. Over the reporting period, several Member States enhanced their efforts at investigating and indicting, for trial within national jurisdictions, Rwandan suspects appearing on the INTERPOL wanted list. For the effective prosecution of those suspects, national prosecuting authorities continue to seek mutual legal assistance and information from the Tribunal. As a result, requests to the Prosecutor for information from his Office's extensive database increased substantially. This is a positive signal for international cooperation against impunity and for accountability at the highest levels.

E. Activities of the Registry

1. Office of the Registrar

56. The *Office of the Registrar* maintained high-level diplomatic contacts with States and international organizations. Through formal and informal agreements, it secured their cooperation to support the operations of the Tribunal. During the reporting period, there was a significant increase in judicial cooperation with Member States. The Office of the Registrar transmitted more than 300 notes verbales and other correspondence requesting judicial assistance and cooperation from Member States.

57. Rwanda continued to cooperate with the Tribunal by facilitating the flow of witnesses from Kigali to Arusha and by providing relevant documents for use in trial proceedings.

58. Two detainees were acquitted during the reporting period. The Tribunal relocated one acquitted person, but three remain under the Tribunal's protection, despite the Registrar's strenuous efforts to secure a country of residence for them. That issue, as well as that of the relocation of convicted persons who will complete

their sentence, is becoming increasingly crucial as the Tribunal moves towards the completion of its work.

59. The *External Relations and Strategic Planning Section*, through its *Protocol Support Services*, recorded a total of 2,978 visitors, including high-level officials and members of the general public, academia, civil society and non-governmental organizations, a significant increase compared with the previous period.

60. The External Relations and Strategic Planning Section was successful in raising voluntary contributions to the Trust Fund of the International Criminal Tribunal for Rwanda, enabling the Tribunal to carry on its capacity-building and outreach activities. Those activities form an important part of the Tribunal's mandate and legacy and are a vital tool for bridging the information gap between the Tribunal and the people of Rwanda at the grass-roots level.

61. Ten additional provincial information centres were opened at different locations in Rwanda. Those facilities are already playing a key role in terms of improved communication and facilitating access to the jurisprudence of the Tribunal and other legal material for members of the Rwandan national judiciary, in particular, and the public in general. The centres also facilitate the Tribunal's awareness-raising workshops and highlight the achievements and challenges of the Tribunal to the people of Rwanda.

62. One of the flagship outreach projects relates to youth sensitization and genocide prevention education in the Great Lakes Region. A funding agreement was signed between the Tribunal and the Federal Republic of Germany in September 2009. An essays and drawings competition in which students from 74 schools participated addressed questions of international justice, the fight against impunity and the contribution of the Tribunal to national reconciliation. In 2010, the Tribunal launched the project in the five East African capitals, as well as at the Tribunal's headquarters in Arusha.

63. Other outreach activities, funded by the European Union, are aimed at strengthening the capacity of the Rwandan judiciary and raising awareness of the work of the Tribunal among the Rwandan public. Among other activities, awareness-raising workshops were conducted in various communes in Rwanda for approximately 5,000 participants, as well as for over 20,000 students and teachers from Rwandan schools.

64. Through its Communication Cluster, the External Relations and Strategic Planning Section has ensured the wide diffusion of information about the Tribunal's activities by means of press meetings, newsletters and press releases, as well as the website, films and information brochures, in English, French and Kinyarwanda. The unit processed numerous local and international media enquiries and broadcast several trial proceedings via satellite for use by media professionals. It launched exhibitions on the work of the Tribunal in the United Republic of Tanzania, Rwanda, Kenya, Burundi and Uganda and organized film screenings, talks and discussions in Kigali and in all the other provinces of Rwanda. A continuous communication link is maintained with universities and other educational institutions in the region.

65. Capacity-building activities for about 700 legal professionals in Rwanda were continued, with the aim of further strengthening the Rwandan justice sector in areas such as investigation, witness protection, evidence and information management,

oral and written advocacy skills, and capability to receive and try effectively cases referred from the Tribunal. A seminar on international criminal law and a “moot court” competition was organized for 60 members of the Rwandan Bar Association.

66. During the reporting period, the *Gender Focal Point* prepared proposals for soliciting funds to replenish the depleted Trust Fund for the Support Programme for Witnesses. To date, the campaign has received a contribution from the Government of Spain, which will assist in ensuring the provision of physical and psychological care to witnesses residing in Rwanda, in particular those living with HIV/AIDS. In addition, witnesses residing in Rwanda continued to benefit from the gender-sensitive counselling provided by the nurse psychologists resident at the Tribunal clinic in Rwanda.

67. During the reporting period, the *Internship Programme* welcomed 265 interns to the Tribunal. Seventy-five per cent of them were assigned to either the Chambers or the Office of the Prosecutor. The Chambers, in particular, accepted twice the number of legal interns compared with the previous intakes. Owing to financial constraints, the Legal Researchers Programme did not receive funding from the Trust Fund during the reporting period. However, four legal researchers from four African countries benefited from funding made available by the European Union. In addition, more than 200 applications are currently on the Legal Researchers application roster, awaiting possible renewed funding from either the European Union or the Trust Fund. A new programme, the Pro-bono Legal Researchers Programme, was established during the reporting period in order to draw in the voluntary assistance of qualified lawyers from around the world. Together, those three programmes provided much needed legal and administrative assistance for the work of the Tribunal and essential support for the implementation of the completion strategy. The *Legal Services and Internship Programme Unit* also played an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules and for matters arising between Tribunal staff members and the Tanzanian authorities. During the period under review, the Unit mediated and settled 17 cases between staff members and local law enforcement offices, as well as domestic employees. Several similar cases are still ongoing.

2. Judicial and Legal Services Division

68. The *Court Management Section* provided support services to the judicial processes of the Tribunal, including support for site visits to Rwanda, certification of witness statements, depositions and video-link hearings from various countries. As part of its capacity-building activities solicited by States, the Section continued to organize demonstration and training sessions for representatives of various African countries on the Tribunal’s system for the instantaneous production of transcripts. It also conducted specialized sessions to strengthen the capacity of the Rwandan court system. As a major component of the Tribunal’s preparations for the transition to the residual mechanism, the Court Management Section also continued its work on the redaction and digitization of the collection of audio-visual recordings of the proceedings of the Tribunal.

69. The *Defence Counsel and Detention Management Section* provided high-quality administrative support to the various defence teams and detainees in Arusha. The Section continued to implement the lump-sum system for the processing and

settlement of defence fees and expenses. That system was efficiently applied to all cases at every stage of the procedure. Overall, practices in the legal aid programme continued to improve, resulting in economies. Work on electronic billing reached its final stage and electronic billing will be extended to all teams in the course of the next reporting period.

70. As of 30 June 2010, the *United Nations Detention Facility* housed a total of 37 persons (25 detainees and 12 convicted persons). During the reporting period, the Facility received 23 detained witnesses from Rwanda, five prisoner witnesses from Mali and three prisoner witnesses from Benin to testify in various trials. The International Committee of the Red Cross visited the Facility on 10 March 2010 and found that its quarters were in compliance with international standards.

71. During the reporting period, the *Witness and Victims Support Section* ensured the timely availability of a total of 200 witnesses brought from 21 countries in support of the trials of 10 accused persons. Threat assessments were conducted for some witnesses. In accordance with protective measures ordered by the Trial Chambers, transcripts were redacted to expunge identifying information concerning witnesses or their family members, prior to the transcripts being made public. The Section has intensified its post-trial monitoring activities in the countries of residence of witnesses who appeared before the Tribunal. Several witnesses residing in Rwanda received a wide range of assistance aimed at improving their medical and psychological rehabilitation. The Section was successful thanks to the cooperation of several Member States, which provided temporary travel documents enabling the witnesses to travel to and from Arusha, and of offices of the United Nations High Commissioner for Refugees in a number of African countries, which assisted in facilitating the movement and the protection of witnesses. Some States, like Belgium, also provided assistance in escorting witnesses.

72. The *Language Services Section* provided interpretation, translation and reproduction services to the Chambers, the parties and the Registry. During the reporting period, seven judgements and 143 decisions, as well as a significant number of other documents, were translated. A roster of translators, interpreters and proofreaders was established with a view to pre-empting any potential disruption of trials. In addition, documents for translation have been outsourced to other translators, and freelance revisers have been recruited to alleviate the heavy workload of the Section.

73. The *Legal Library and Reference Section* supported the judicial process through the acquisition and dissemination of relevant information and documentation resources. The collection of the Kigali-based Umusanzu Outreach Library was significantly increased to address the needs of Rwandan and international users. In order to promote the Tribunal's work and to increase access to its jurisprudence, particularly in areas where the Internet is not available, the Library released new DVD and CD-ROM versions of the full-text searchable "ICTR basic documents and case law", covering the period 1995-2009 for the DVD and the year 2009 for the CD-ROM. The materials have been widely disseminated in Rwanda and elsewhere. In the context of outreach and capacity-building initiatives in Rwanda, the Library conducted a workshop on the use of online legal materials for the Rwandan Institute of Legal Practice and Development, at which 35 members of the Rwandan judiciary, including judges, prosecutors and lawyers, received training on techniques for accessing online legal materials, including Tribunal jurisprudence.

3. Division of Administrative Support Services

74. The process of downsizing continued to pose major challenges to the operations of the entire Tribunal. The Division of Administration Support Services continued to respond to those challenges in a proactive and flexible manner.

75. The staff members of the Tribunal come from 76 countries and, as of 30 June 2010, the Tribunal had 656 staff members against an authorized complement of 786 posts, with 130 vacant posts, a 17 per cent vacancy rate. Based on the current trend of the attrition rate (separations, resignations, transfers, etc.) as staff members continue to look for more stable jobs elsewhere, it is anticipated that the vacancy rate will be above 20 per cent by the end of 2010. The gender ratio of staff at the Professional level and above is 61 per cent male and 39 per cent female.

76. During the downsizing phase, attracting and retaining competent staff continues to be a major challenge. The short duration of contracts issued to staff members has contributed to increased uncertainty and has continued to have a negative impact on productivity. The Division put in place measures aimed at retaining staff and is consulting the Office of Human Resources Management on the modalities of issuing contracts in line with the judicial calendar as a way of giving contracts of longer durations to those whose services will still be required. Another consultative staff retention exercise was commenced in order to determine the number and composition of staff to be retained until the completion of the Tribunal's work. It is aimed to finalize the exercise before the end of August 2010.

77. The *Career Resource Centre* organized several career development workshops and training to support staff with their professional aspirations. The *Human Resources Planning Section* continues to assist staff who are leaving the Tribunal to secure employment elsewhere. The Section has already issued an online compendium of skills (e-fact sheets) accessible by all recruiters system-wide and plans to hold another job fair, after the successful one held in August 2009 which brought together United Nations and other international organizations to review staff résumés, conduct interviews and grant offers of appointment. The Section also provides advice to staff members and judges on their final entitlements and on the implications of the new contractual arrangements and staff rules.

78. The *Security and Safety Section* continued to update and test its various contingency plans in order to ensure the safety and security of the Tribunal staff, premises, assets and operations through a more dedicated interaction with the host country's security services and with the Office of the Security Advisor of the United Republic of Tanzania. During the reporting period, no major incidents occurred. The United Nations security guidelines were fully implemented and safety and security information was shared with the staff regularly and in a timely manner.

79. The *Information Technology Services Section* continued to provide vital support to the Tribunal. The *Electronic Data Processing Unit* maintains the information and technology infrastructure of the Tribunal, supporting and meeting the computing needs of the various business units. During the reporting period, a number of business process systems were brought online that added efficiency and timelines to standard administrative procedures within the Division of Administrative Support Services. Infrastructure upgrades were made to the network and data centre to replace obsolete equipment and add capacity to support the critical audio-visual digitization and other legacy projects. The *Audiovisual Unit*

provides video coverage of all court proceedings and videoconferencing services for remote witness testimonies and meetings.

80. The *Health Services Unit* provided curative, preventive and trauma counselling support and performed medico-administrative duties for judges and staff members and their dependents, as well as for detainees, witnesses and victims. The Unit monitored clients' health through four sub-units: two in Kigali and two in Arusha. In Kigali, witnesses received a full medical check-up and medical care before transfer to Arusha for testimony. In Arusha, the United Nations Detention Facility sub-unit cared for detainees, prisoners and prisoner-witnesses. At the headquarters clinic, clients received medicines, laboratory services and immunization free of charge.

81. The *Counselling and Welfare Unit* addressed psychosocial issues of staff members and recognized family members, and implemented welfare activities for the wellness of all staff. The unit also continued to provide trauma counselling to witnesses and professional psychological support to staff and their families. The services of the Staff Counsellor were available on a 24-hour basis.

82. In the area of resources management, the *Budget Unit* continued to provide expertise on proper planning, control and monitoring of the utilization of available resources. The *Finance Section* continued to provide timely and reliable services to staff members and clients of the Tribunal.

83. The *General Services Section* and the *Procurement Section* provided vital support to the Tribunal. The *Building Management Services*, in line with the completion strategy, started to relocate surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. The *Asset Management Services* improved the reception and inspection of goods purchased by the Tribunal. Efforts were being made to introduce the Galileo Inventory Management System. The Asset Management Services section also accelerated the process for the disposal of property and warehouse facilities in the context of the scaling down of the Tribunal operations. The *Transport Services Unit*, in order to monitor and control the use of the official vehicles, fitted almost all Tribunal vehicles with Global Positioning System tracking devices which offer real-time information on fuel utilization, the actual location of a vehicle, its identity and the speed at which it is driven. This not only enhanced discipline on the roads but also made possible the quick recovery of a stolen official vehicle. The *Central Registry/Mail/Pouch* and *Archives Services* continued providing services to the entire house. The *Central Archives Facility* continued archiving records generated by sections/units of the Division and scanning and entering metadata into the Total Records Information Management database. A functional archiving structure was established in Kigali for Kigali records of the Division of Administrative Support Services.

III. Conclusion and recommendations

84. The Tribunal made significant progress during the past year towards achieving the goals of the completion strategy, despite a very high workload: Seven judgements in single-accused cases were delivered and 10 new trials commenced. In eight of them evidence was completed and judgement was delivered in five. At the trial level, the delivery of judgements in the remaining 12 cases involving 24 accused is expected before the end of 2011.

85. State cooperation remains the cornerstone of the Tribunal's ability to complete its mandate, and the Tribunal appreciates the continuous trust and support of Member States.

86. With the close cooperation of Member States, three fugitives were arrested in the region during the reporting period. Additional efforts will have to be made, however, both by the Tribunal and by Member States, to ensure the arrest of the remaining 10 fugitives, in particular the three high-ranking accused earmarked for trial before the Tribunal who have escaped justice for over 16 years. Their ongoing impunity is not a situation which can be accepted by the international community.

87. The Tribunal urges Member States to extend their cooperation also with regard to the relocation of three acquitted persons who remain under the protection of the Tribunal. The willingness of Member States to allow them to settle in their territory would be an important signal of commitment to international justice and to the rule of law.

88. Finally, ensuring and maintaining an adequate number of experienced staff remains the key challenge for the Tribunal as it approaches the end of its lifespan. The Tribunal appreciates all the support given by Member States to efforts to address the difficult staffing situation.

89. The Tribunal calls for the support of the international community to provide it with the necessary resources to complete its work expeditiously so that this pioneering institution of international criminal justice can achieve its mandate and deliver justice to the victims of the heinous crimes committed in Rwanda in 1994.
