ICTR Registrar Bongani Majola Addresses Town Hall Meeting

On 30 January 2013, the newly appointed Registrar of the UN-ICTR, Mr. Bongani Majola, made his maiden speech to staff members of the Tribunal during a Town Hall meeting which took place in the Simba Hall of the AICC. The Registrar covered several areas concerning the work of the Tribunal, particularly at this stage where it is implementing the final phase of its completion strategy. Below we reproduce excerpts of the said speech:

“…..I would like to acknowledge with appreciation the kind welcoming words extended to me by both the President and the Prosecutor and wish to assure them of my contribution as the new member of the senior management team, especially at this critical stage in the life of this Tribunal. Similarly, I wish to express my gratitude to the Secretary-General for entrusting me with the task that remains to be accomplished through the completion of the remaining work of the ICTR and closing it down by the Security Council imposed deadline of December 2014. Let me start by wishing you and your families good health, prosperity and happiness in the New Year, 2013, and beyond. Welcome back to all those who had gone on vacation and have now returned to join us in the final push towards the completion of the remaining work of the ICTR. I am pleased to welcome President Vagn Joensen and the representative of the Prosecutor, for availing themselves for this first town hall meeting despite their busy schedules. I thank both of them for their helpful and encouraging remarks this morning. They have also given us important updates regarding the completion of the remaining judicial work of the ICTR. You will get the opportunity to interact with them during the course of this meeting regarding their respective presentations. It is a special privilege and honour for me to welcome the Registrar of the ICTY and the Mechanism, Mr. John Hocking, and to thank him for accepting our invitation on very short notice.

I thank both of them for their helpful and encouraging remarks this morning. They have also given us important updates regarding the completion of the remaining judicial work of the ICTR. You will get the opportunity to interact with them during the course of this meeting regarding their respective presentations. It is a special privilege and honour for me to welcome the Registrar of the ICTY and the Mechanism, Mr. John Hocking, and to thank him for accepting our invitation on very short notice.

For almost 10 years I have had the privilege of working with you in my capacity as the Deputy Prosecutor of this Tribunal. I have seen the dedication that you have put into your work and your commitment to ensure that the perpetrators...
of the Rwandan Genocide of 1994 are held to account for the heinous crimes they committed during that year.

I am sure that you are still here because of that dedication and commitment. Since I started my responsibilities as Registrar at the beginning of this month, I have received nothing but strong and sustained support from both the management and the staff of the Tribunal. I wish to acknowledge your individual and collective efforts with my own commitment to work very closely with all of you and to provide as much support as I possibly can to those efforts.

Although we have completed all our trials in the first instance and are working hard to complete the remaining appeals, the challenges ahead are still enormous and daunting. It will therefore not be easy and will demand that we stand even closer and work together if we are to successfully complete the mandate of this Tribunal and achieve an orderly closure. Briefly, I see the following as major challenges that we have to join hands to tackle:

- We have to complete the remaining appeals and ensure that such completion occurs before the end of 2014 because it is quite doubtful that Member States will still be able to finance our activities beyond that date. In this regard we face the challenge of translation. The Chief of the Languages Services Section has briefed us about the challenges and we are aware of the great efforts she and her team continue to employ to ensure that we meet our critical deadline.

- The ICTR started late with the archiving of its records and has met many challenges in the process. We have to redouble the effort and spare no resources in order to make a big dent on this challenge.

- It is one of our primary responsibilities to ensure the sustainability of the Mechanism until it can stand on its own. Coupled with that, is the responsibility to effect a smooth and timely transfer of those functions that must be moved to the Mechanism. The success of the Mechanism will mean the success of the ICTR and ICTY.

- We also have to deal with the issue of the relocation of acquitted persons and convicts who were released in Tanzania.

- There are other challenges which I could refer to if time permitted.

When I joined this Tribunal, it had more than 1000 staff members. Over the years that number has decreased considerably. When one looks around today one sees only a small number of staff who remain to do the work and this number will continue to get smaller as more work is completed. It means, in most cases, that few staff members have to multiply their individual efforts in order to do the remaining work.

On support of the ICTR to the Mechanism for International Criminal Tribunals the Registrar stated:

... Security Council Resolution 1966 of 22 December 2010, envisaged that the International Residual Mechanism for Criminal Tribunals would be a small and efficient entity which would initially depend largely on the ICTR for its existence and maintenance. This was reflected in the budget of the Mechanism for the current biennium which allocated less than 50 staff members to the ICTR branch of the Mechanism for this biennium and therefore calls upon the ICTR and ICTY to support the respective branches of the Mechanism.

The ICTR has therefore to continue the support that it has been providing to the ICTR branch since its inception in July 2012. I urge you all to extend your usual support to the Mechanism to ensure the successful transition of functions to it as well as the discharge of its mandate. In case you have questions that relate to the Mechanism, I am pleased that today we are privileged to have Mr. Hocking with us to respond to your questions.
On enhancing transparency in administrative processes and the work of the staff retention panels the Registrar went on to elaborate:

... As the chief custodian of the UN rules and regulations in ICTR, I am required to ensure that those rules and regulations are applied and observed in the way that the UN Charter dictates and as the Member States would wish. Even taking our own ICTR situation, experience has taught us that failure to apply the rules and regulations properly results in unnecessary litigation, bitterness, stress and loss of morale among staff members and a reduction in productivity. The fact that we are downsizing operations, prospects of separation and uncertainty about future job prospects create anxiety which is exacerbated by the lack of transparency and failure to apply rules properly and in a just manner.

Over 200 staff members separated in 2012, some as a result of the completion of the work they had been retained to do and others due to normal attrition. The process of separating those who were no longer needed to complete the remaining work of the Tribunal once more tested our resolve and ability to apply our rules properly and in a fair and just manner. Although we passed the test, there were signs that we can do better in some respects. I observed that separations as a result of the ongoing downsizing program of the ICTR were particularly stressful on many staff members. What is often not readily visible are the signs of stress that it brings also on to management who often have to tell some of their best staff members to leave – not because they are non-performers but exactly because they are great achievers.

Our projections are that we expect more work to be completed during the first half of this year and therefore that the Tribunal may have to separate over 100 more staff members by the end of June 2013. I therefore urge all programme managers and retention committees to redouble their efforts to apply the Retention Criteria that were agreed to by the whole Tribunal and published in Information Circular No. 77 of 2007 as well as the Lake Manyara Accord in a fair, transparent and just manner. These two instruments provide the basic principles guiding the retention exercise.

I recall that my predecessor, Mr. Adama Dieng, often reminded ICTR managers and supervisors of the need to ensure that retention processes are fair and transparent. Unless the managers properly apply the rules of the game and include the staff representatives in the retention process, the objective of ensuring that our retention processes are transparent, fair and just will always be dogged by unnecessary litigation and acrimony.

In reminding programme managers to work closely with the Staff Association, I also appeal to them to ensure that they inform all staff members not only on the criteria to be used but also on the process to be followed within the parameters of the Retention Criteria and the Lake Manyara Accord. They should also inform staff members of the outcome of the retention reviews and be open to answer their queries and giving more information.

In an effort to ensure that retention rules are applied properly, former Registrar Dieng established the Retention Review Committee so that retention processes can be reviewed and corrected before they lead to litigation. It is our task to improve this mechanism and ensure that it offers easier access to justice even for the lowest ranks among our staff members.

Important lessons have been learnt from the retention processes conducted in various sections of the Tribunal. I would like the Chief DASS, Ms. Kilemi, to identify and record them for us so that we can review and effect improvements where weaknesses have been noted.

I conclude this point by commending our programme managers for doing their best during retention reviews. The fact that there were very few rebuttals last time is an indication of enhanced transparency and involvement of staff representatives.
On the current contractual status he stated:

... To date all contracts have been extended in line with the remaining work of the Tribunal. The length of each extension is based on the time for which the services of each staff member will be required by the Tribunal. Due to the prevailing uncertainty on the funding situation, there are individuals whose services are needed throughout the biennium but whose contracts have been extended only for the first 6 months. This will be reviewed in line with the anticipated outcome of the GA review of the first performance report on the ICTR budget for 2012 and 2013.

Let me also remind all program managers that every request for contract extension must be based on the remaining workload and should take into account the criticality of the staff member to the successful performance of the functions necessary for the completion of that workload. Where a particular piece of workload can be effectively done and completed in time by one staff member, programme managers should endeavour to avoid recommending the extension of the contracts of more than the required staff members. The Secretary-General has repeatedly advised the UN community to try to do more with less. It is incumbent on the ICTR to heed that message and to be seen to be doing so, while ensuring, on the other hand, that its programs are sufficiently resourced to enable it to successfully complete its remaining work within the deadline laid down in Security Council Resolution 1966 of 22 December 2010. It is the responsibility of the Registrar of this institution to ensure that this fine balance is struck.

On change of duty station to Category B he said:

... We reported, recently, that the International Civil Service Commission (ICSC) has upgraded the hardship level of Arusha as a duty station from C to B with effect from January 2013. This is as a result of the review conducted by a tripartite working group made up of ICSC officials, staff associations and representatives of organizations, such as UNDP. The implications of moving Arusha from a category C hardship duty station to a B category are as follows:

- The annual additional shipment entitlement is discontinued.
- The Hardship Allowance payable on a monthly basis is reduced.

The ICTR management has queried the outcome of the review, especially given that our capital city, Dar-es-Salaam, which has better facilities than Arusha, has been retained as a hardship level C duty station.

The Chief of DASS, Ms. Kilemi, is following up with the ICSC with the aim of having the review exercise re-done. You will be updated on developments. Unfortunately, until we receive further instructions from the ICSC, the Administration is obliged to start implementing the above-mentioned revised entitlements.

On strengthening of the welfare services to staff members he stated:

... The ICTR is required to adhere to the provisions of ST/SGB/2008/5, on the Prohibition of Discrimination, Harassment, including Sexual Harassment and Abuse of Authority. With the departure of the gender focal point, Ms. Sera Attika, who has joined MICT, I have nominated Ms. Renifa Madenga, Appeals Counsel in the Office of the Prosecutor, to be the gender focal point in order to support those in need of support in the area of harassment, including sexual harassment.

You are reminded that the Management does not and will not tolerate abuse of any nature within the work environment as well as outside. Our staff counselor and gender focal point will be working very closely in putting together programs aimed at preventing harassment and abuse of authority in the workplace and you are all encouraged to participate. In particular, I would like to remind staff to attend the mandatory course on UN Prevention on Harassment, Sexual Harassment and Abuse of Authority in the Workplace. I am also requesting the Chief of DASS to reissue the circular which reminded the staff about this online course.
On ICTR’s continuous support to staff in search of work after ICTR the Registrar explained:

... I would like to reassure you that Management will continue to take every opportunity to support a smooth transition of staff members from the ICTR to other opportunities. Efforts to help ICTR staff members recruited by other UN organizations and private firms are ongoing. We have recorded positive progress in this regard, especially in connection with our security personnel, and thanks to good collaboration between the Staff Association and management. I would like to urge the management of the Staff Association to keep up the good working relationship with the Administration in this endeavor.

We will continue to offer psychosocial support services in order to cater for staff members and their families during this transition. Peer support services such as the ICTR peer helper and SOS provider net-works will also continue to be availed to colleagues and their families whenever possible.

In conclusion the Registrar said:

... The immense task ahead of us as we complete our mandate will call for your continued commitment. Unfortunately even with reduced staffing level the workload is ever increasing and with this, we need to be always on adaptive mode to deal with challenges as they arise.

I know that you might have some more concerns which I have not addressed but you will have an opportunity to raise them when we open the floor for questions.

Thank you for your attention and May God keep you and your families protected throughout the year.

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Appeals Chamber Acquits and Releases Justin Mugenzi and Prosper Mugiraneza

The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judges Theodor Meron, presiding, Patrick Robinson, Liu Daqun, Andressia Vaz, and Bakhtiyar Tuzmukhamedov, on 4 February 2013 delivered the judgement in the case of Justin Mugenzi and Prosper Mugiraneza v. The Prosecutor.

On 30 September 2011, Trial Chamber II of the Tribunal convicted Mugenzi and Mugiraneza for conspiracy to commit genocide based on their roles in the removal of Jean-Baptiste Habyalimana from his post as the prefect of Butare Prefecture on 17 April 1994.

The Trial Chamber also convicted Mugenzi and Mugiraneza for direct and public incitement to commit genocide based on their roles in the installation ceremony of Sylvain Nsabimana as the new prefect of Butare Prefecture on 19 April 1994.

... Continued on page 6.
The Trial Chamber sentenced each of them to a single sentence of 30 years of imprisonment. Mugenzi and Mugiraneza appealed against their respective convictions and sentences.

The Appeals Chamber dismissed, Judge Robinson dissenting in part, Mugenzi’s and Mugiraneza’s appeals alleging violations of their right to a fair trial. The Appeals Chamber reversed Mugenzi’s and Mugiraneza’s convictions for conspiracy to commit genocide and direct and public incitement to commit genocide due to errors in the Trial Chamber’s assessment of circumstantial evidence.

Accordingly, the Appeals Chamber entered a verdict of acquittal as to Mugenzi and Mugiraneza and ordered their immediate release from the United Nations Detention Facility in Arusha, Tanzania. Judge Liu dissented on the reversal of the convictions for conspiracy to commit genocide.

Mugenzi was born in 1939 in Rukara Commune, Kibungo Prefecture, Rwanda. During the relevant events, he was the chairman of the Parti libéral and Minister of Trade and Industry. Mugiraneza was born in 1957 in Kigarama Commune, Kibungo Prefecture, Rwanda. In April 1994, he was Minister of Civil Service.

This judgement brings the total number of appeal judgements rendered by the Tribunal to 38, disposing of appeals concerning 46 persons. The remaining caseload of the ICTR Appeals Chamber consists of six cases which concern 15 persons.

ICTR Registrar Visits Umusanzu Centre in Kigali

The ICTR Registrar, Mr. Bongani Majola, accompanied by Mr. Roland Amoussouga, the Tribunal’s spokesperson and Chief of the External Relations and Strategic Planning Section, visited the Tribunal’s Information and Documentation Centre in Kigali on 21 February, 2013

Upon arrival, the ICTR Registrar was received by Mr. Innocent Kamanzi, the Head of the Centre and Coordinator of the ERSPS Kigali sub-office, and the other staff members.

He was taken around the facility to inspect the existing infrastructure. A short meeting was organized later, at which the Registrar was briefed on the main activities, achievements, challenges and the crucial role the centre is playing in the implementation of the ICTR outreach activities in Rwanda, more particularly at this critical period when the Tribunal is in its completion phase.

Mr. Kamanzi further explained to the Registrar that the facility has, since 2005, been the flagship of the Tribunal’s outreach programme and its related public information dissemination strategy in Rwanda.

He pointed out that among others these include; the awareness raising workshops in schools, prisons and demobilization camps, distribution of ICTR Information materials to the public, support to the ICTR Provincial Information and Documentation Centers and the capacity building for Rwandan Legal Professionals.

In his short address, the ICTR Registrar, thanked UMUSANZU staff for the thorough briefing and commended them for the work done in the implementation of the ICTR Outreach Program in Rwanda. He reiterated that judging from the

... Continued on page 7.
briefing he had received, several outreach activities being undertaken by the centre were very important and crucial in maintaining the image of the Tribunal in Rwanda.

Besides visiting the Tribunals Information Center in Kigali, the Registrar was also in Rwanda to introduce himself as the new ICTR Registrar to the officials of the Government of Rwanda, the Rwandan Judiciary, the Diplomatic Corps accredited to Rwanda, the UN Agencies, and to meet with the staff of the ICTR; and to brief those constituencies on the status of the ICTR current affairs including its achievements, challenges, progress towards the completion of the mandate of the Tribunal.

The Registrar also took time to explore with the Rwandan officials ways to enhance cooperation between ICTR and the Government of Rwanda during this critical stage of the Tribunal’s completion strategy.

During his mission in Rwanda from 18 to 22 February 2013, the ICTR Registrar met senior Rwandan Government Officials including the Minister of Justice, Mr. Tharcisse Karugrama, the President of the Rwandan Supreme Court, Mr. Sam Rugege, the Prosector General of Rwanda, Mr. Martin Ngoga and some senior officials of the Diplomatic Community and UN Agencies based in Rwanda and the Tribunal’s staff in Kigali.

The ICTR delegation also witnessed a trial session of Jean Bosco Uwinkindi, who was transferred from Arusha and is currently being tried for genocide crimes in Rwanda.

Activity of the Appeals Chamber: January – February 2013

During January and February 2013, the Appeals Chamber delivered one judgement concerning two persons in the Mugenzi & Mugiraneza/Government II case. The Appeals Chamber also issued a decision on a post-appeal request in the Zigiranyirazo case and issued nine preliminary decisions or orders.

The Appeals Chamber is presently seized of 8 matters, including 6 cases involving appeals from judgement concerning 15 persons.

Appeals from Judgement

The Trial Judgement in the Ndindilyimana et al./Military II case was rendered on 17 May 2011 and issued in writing on 20 June 2011. The notices of appeal of the five parties were filed between July 2011 and January 2012, the briefing was completed in May 2012, and the appeals are being prepared for a hearing.

The Trial Judgement in the Ndahimana case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both parties filed their notices of appeal in February 2012 and the briefing was completed in February 2013. The appeals are being prepared for a hearing.

The Trial Judgement in the Nyiramasuhuko et al./Butare case was rendered on 24 June 2011 and issued in writing on 14 July 2011. The notices of appeal of the seven parties were filed between September 2011 and April 2012 and the briefing is in progress.

The Trial Judgement in the Karemera & Ngirumapate case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties filed their notices of appeal in March 2012 and the briefing is in progress.

The Trial Judgement in the Nzabonimana case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both parties filed notices of appeal and the briefing is in progress.

The Trial Judgement in the Nizeyimana case was rendered on 19 June 2012 and issued in writing on 22 June 2012. Both parties filed notices of appeal and the briefing is in progress.

Other Appeals and Post-Appeal Requests

In addition to these appeals, the Appeals Chamber is seized of 1 appeal concerning referral (Munyagishari) and 1 request for review in the Kajelijeli case.

Summary

To date, the Appeals Chamber has delivered 38 Appeal Judgements, concluding the appellate proceedings in respect of 46 persons.
Georgetown University Students Visit Umusanzu Centre

A group of 22 students accompanied by two professors from the Georgetown University School of Foreign Service in Doha, Qatar, 5 March, 2013, visited the ICTR Information and Documentation Centre in Kigali. The students who were in Rwanda as part of a program called Zones of Conflict, Zones of Peace (ZCZP), were received at the Centre by Charles Kamuru, the Tribunal’s Public Information Assistant in Kigali and Ruci Nailati, the Administrative Assistant.

After being taken around the Centre’s facilities, the students were provided with information regarding the services offered by the Centre ranging from research, access to various reading material, mainly of legal nature, screening of film documentaries on justice, unity and reconciliation and also distribution of different publications on the Tribunal’s work.

Later, the students and their leaders were briefed by Mr. Kamuru on the history of the ICTR and its Information Centre, the current status of the work of the Tribunal and matters related to the Completion Strategy. In relation to this, they were given details on the achievements made by the Tribunal since it started its operations and the challenges faced by the Tribunal in achieving its goals.

More particularly, the visitors were briefed on the ICTR Outreach Program, its importance to the work of the ICTR and the role the center has been playing in implementing its activities in Rwanda that include; awareness raising workshops in schools and prisons, genocide related education programs in the country and the capacity building for Rwanda legal professionals. Various questions were asked by the students and were answered accordingly.

In a short address made by one of the leaders of the delegation, Sheena Martinez, applauded the work of the ICTR and its role in promoting justice, peace, unity and reconciliation not only in Rwanda but also in the Great Lakes Region.

Since 2008, the Georgetown University School of Foreign Service in Qatar has been taking groups of students to zones of ethnic, political, and religious conflict, with the goal of better understanding both the causes of conflict and the difficult process of reconciliation.

In past years, the program has focused on ethnic cleansing and refugees in Israel-Palestine, the memorialization of genocide in Germany, Poland, and Rwanda, the challenges of development in post-apartheid South Africa, and the role of borders in contemporary conflicts in Cyprus and Bosnia.
A high level, pan-African, lessons learned conference to commemorate the 10th Anniversary of the International Criminal Court (ICC) was held in Arusha, at Snow Crest Hotel, from 28th February to 1st March 2013.

The Africa Legal Aid (AFLA) convened the conference in cooperation with the International Legal Assistance Consortium (ILAC), the International Bar Association (IBA), and the Commonwealth Secretariat with the support of the United Nations International Criminal Tribunal for Rwanda (UN-ICTR).

This conference was part of AFLA’s ongoing efforts to engage civil societies across Africa in a series of “lessons learned capacity building exercises” on Africa and the ICC. It was aimed at taking stock of what impact the ICC and international criminal justice have had on the African continent and at promoting ratification of the ICC Statute in Africa, as well as increase understanding and access to the ICC so as to help enhance African support and cooperation for the ICC.

More than 100 people participated in the conference including members of civil societies, legal fraternities, gender advocates, academics, State officials, and opinion leaders from the African region and abroad. Their counterparts from ICC state parties from Northern countries and the ICTR also participated to share experiences on complementarity of International Justice at the national level, the status of the ongoing ratification process and implementation of the ICC Statute, which are truly essential in support of ICC in Africa.
“...ICC Conference Takes Place in Arusha”

The President of the Assembly of States Parties of the ICC H.E. Ms. Tina Intelmann also addressed the conference.

The Prosecutor of the ICC Ms. Fatou Bensouda addresses the conference.

The President of the African Court on Human and Peoples Rights Justice Sophia Akuffo also attended the conference.

Mr. Roland Amoussouga (right), ICTR Chief of External Relations and Strategic Planning (ERSPS) and Spokesperson in discussion with a participant.
**ICC President Visits the Tribunal**

During the ICC conference Her Excellency Ms. Tina Intelmann, President of the Assembly of States Parties of the ICC took time to briefly visit the Tribunal where she held talks with the ICTR principals, the President Judge Vagn Joensen; the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar, Mr. Bongani Majola.

On 1 February 2013 a group of Friends of the ICTR composed of senior officials from diplomatic missions based in Dar es Salaam visited the Tribunal in Arusha during which they held officials talks with senior officials and were briefed on the achievements and challenges the ICTR had registered at this phase in the implementation of the completion strategy.

The briefing was done by senior officials of the Tribunal led by the President Judge Vagn Joensen, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar, Mr. Bongani Majola. The visiting group which commended the work and achievements registered by the Tribunal included the Ambassador of the United States of America H.E. Mr. Alfonso Lenhardt; the Ambassador of Finland, H.E. Sinikka Antila; the Ambassador of the Federal Republic of Germany H.E. Klaus-Peter Brandes; the Deputy Head of Mission of Embassy of Belgium, Mr. Ronny Dynoodt; the Deputy Head of Mission of the British High Commission, Mr. Julian Chandler; and the Deputy Head of Mission of the Embassy of France, Ms. Marie Keller.
Visit to the ICTR of the German Delegation Committee

A visit by members of the Budget Committee from the Federal Republic of German to the ICTR took place on 8 February 2013. During the visit the members were briefed on the challenges and achievements registered by the Tribunal by senior officials of the Tribunal.

President of the African Court on Human and Peoples Rights Visits ICTR

On 6 February 2013, the President of the African Court on Human and Peoples Rights, Hon. Justice Sophia A. B. Akuffo, visited the Tribunal and held official talks with senior officials of the Tribunal including the President, Judge Vagn Joensen; the Prosecutor, Mr. Hassan Bubacar Jallow; and the Registrar, Mr. Bongani Majola. The talks centred on cooperation between the two institutions which are playing a pivotal role in promoting international criminal justice in the continent.

Talks with the ICTR President Judge Joensen

Warm welcome from the Registrar Mr. Majola

In a group picture with the Registrar and senior ICTR staff members.

Official talks