



ICTR Newsletter

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ICTR Principals Address Town Hall Meeting

A Town Hall Meeting was held on Tuesday, 18 February 2014, in Simba Hall, AICC Complex. The meeting that was attended by staff members and the management of the United Nations International Criminal Tribunal for Rwanda (UN- ICTR), focused on matters regarding implementation of the Tribunal's Completion Strategy. ICTR Principals: the President, Judge Vagn Joensen; the Prosecutor, Justice Hassan Bubacar Jallow; and the Registrar, Mr. Bongani Majola; as well as the Representative of ICTR Staff Association Mr. Abdulkadir A. Sheikh, addressed the gathering. Below we reproduce excerpts of their speeches.



The Prosecutor (Left), Justice Hassan Bubacar Jallow; the President, Judge Vagn Joensen; Chief of DASS, Ms. Sarah Kilemi and the Registrar Mr. Bongani Majola

The President

.....I would like to begin my remarks by thanking each of you for your hard work and commitment to ensuring that we meet our completion strategy targets for the upcoming year, and for ensuring a smooth transition to the Mechanism. The Tribunal faces a unique set of challenges in completing its work and transferring responsibility to the Mechanism – tasks made all the more difficult due to the reductions in staff and resources that accompany the completion of the Tribunal's mandate. *(Continued on pg 2)*

The Prosecutor

.....2013 was a good year for ICTR. Your hard work in the past year, as in the preceding years, has propelled the Tribunal closer and closer to the goal of completion. The end is now much more clearer in sight with the completion of all trials at first instance, the focus on the few remaining appeals and on legacy matters and, for the first time, the full operation of both branches of the Residual Mechanism. The OTP workload is currently focused on the management of the remaining appeals. *(Continued on pg.4)*

The Registrar

.....As you know, 2014 is the 20th anniversary of the Genocide Against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed. Let us please remember and pray for the victims and survivors of that massacre and hope that a tragedy of this nature and scale shall never happen again. This year is also the 20th anniversary of ICTR. Mr. President and Mr. Prosecutor, we are honored, as always, by your presence here today to provide us with an update on the status of completion of our judicial work. *(Continued on pg 6)*

Presidents Remarks

Continued from page 1

.....Despite these challenges, the staff continues to demonstrate a profound commitment to its work and to this institution. On behalf of the judges, I want to thank each of you for your efforts, your resilience, and your sustained dedication to providing justice for those affected by the genocide in Rwanda. I also want to extend my gratitude to the ICTR administration and Staff Association for the invaluable support that they provide to staff members who require assistance with job placement upon completion of their service to the Tribunal. I will now begin with an update on the work that has been carried out in Chambers since our last Town Hall Meeting in September 2013 as well as the work that remains to be done. I will then briefly provide you with an update on some aspects of the transition to the Mechanism.

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As I mentioned during our last Town Hall meeting, the Tribunal has completed its trial work with respect to all of the 93 accused, and significant progress has

been made towards the completion of the work in the Appeals Chamber. Since our last Town Hall meeting, the Appeals Chamber rendered a final decision in the *Ndahimana* case on 16 December 2013, and delivered the judgement for three out of the four accused in the *Military II* case on 11 February. Prior to the delivery of the Judgement in the *Military II* case, the Appeals Chamber ordered the severance of the appeal of Augustin Bizimungu and the Prosecution's appeal related to his case and requested further briefing from the parties. The Appeals Chamber stated that the judgement related to Bizimungu would be delivered in due course. With the issuance of these judgements, five appeals concerning 11 persons remain to be decided.



Part of the audience listening to speeches during the Town Hall meeting

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Further, the Appeals Chamber recently heard oral arguments in the *Karemera* and *Ngirumpatse* case on 10 and 11 February. As such, four out of the five remaining appeal cases are still expected to be disposed of before the end of 2014, and the final judgement concerning six persons in the *Butare* case is anticipated by the end of July 2015. The Butare appeal hearings remain projected to be held before the end of 2014 as well.

The Joint ICTR-ICTY Appeals Chamber also welcomed the addition of two new judges, Judge Mandiaye Niang of Senegal and Judge Koffi Kumelio A. Afande of Togo. Their contributions will undoubtedly assist the Appeals Chamber with its remaining cases.

At this point, I feel it is incumbent upon me to thank the Appeals Judges and staff who continue to work tirelessly to complete the Tribunal's work under extremely tight deadlines.

In addition, in my role as both the President of the Tribunal and Duty Judge of the Arusha branch of the Mechanism, I have issued orders and decisions on a variety of matters since we last met.

Those decisions and orders relate to matters including assignment of counsel, witness protection review, allegations of false testimony and contempt of the Tribunal, and other confidential matters.

The Registrar and I also continue to work towards relocating the remaining acquitted and convicted released persons still residing in Arusha, and will do so until this function is transferred to the Mechanism at the end of 2014. It remains our hope that all relocation can be concluded before the Tribunal closes, and I once again must thank the Registrar for all of the efforts and progress he has made in this regard and thank the Mechanism for its support to ICTR as we try to solve this serious humanitarian problem.

the Prosecutor, coincided with the release of the Office of the Prosecutor's Best Practices Manual for the Investigation and Prosecution of Sexual Violence Crimes in Post-Conflict Regions. The strategies contained within the Best Practices Manual will be instrumental in assisting other international and domestic tribunals in prosecuting future cases. As the ICTR approaches the completion of its mandate, it is critical that efforts like these be made to preserve and share the institutional knowledge of ICTR, and I am extremely grateful to the Prosecutor and to his Office for advancing the international community's goal of ending impunity for those who commit genocide, crimes against humanity, and war crimes.

Last, I would like to inform you about the first joint



Part of the audience listening to the speeches during the Town Hall Meeting

With respect to the transfer of responsibilities to the Mechanism, I am proud to report that significant progress continues to be made regarding the transfer of judicial functions from ICTR to the Mechanism. In terms of monitoring arrangements, the Registrar and I transferred responsibility for the monitoring of the *Uwinkindi* trial in Rwanda to the Mechanism at the end of 2013, and all responsibilities for monitoring of the *Munyagishari* case in Rwanda have already become the responsibility of the Mechanism. As a result, nearly all of the Tribunal's judicial and prosecutorial functions, save for the appeals, have been transferred to the Mechanism.

I remain extremely grateful to the ICTR, ICTY and MICT administrations for their efforts and preparations to ensure that the Tribunal is ready for the Mechanism to fully take over when ICTR closes.

Next, I feel that it is important to briefly discuss the International Workshop on Conflict-Related Sexual and Gender Based Violence Crimes that I attended in January. The Workshop, organized by the Office of

ICTR and Mechanism visit to Rwanda on 4th and 5th November 2013. In order to strengthen mutual assistance and cooperation between both institutions and Rwanda, the Presidents of ICTR and the Mechanism, the Prosecutor, and representatives of the Registrar's from ICTR and the Mechanism briefed senior government officials on the status of the Tribunal's remaining work and clarified the transfer of responsibilities from ICTR to the Mechanism.

The trip provided a valuable opportunity to discuss the importance of continued cooperation between Rwanda and the two UN institutions, particularly in relation to regular communication and the exchange of practical expertise.

The delegation further outlined the difficulties that the Tribunal faces in its relocation efforts and I further outlined the progress being made in terms of reparations for victims and survivors of the 1994 genocide in Rwanda, and on the very recent commissioning of a draft project proposal to be carried out by the International Organisation for Migration. The draft project

proposal will provide a meaningful way forward that is in line with the position that the General Assembly has taken in calling for assistance to victims and survivors of the 1994 genocide, and is amply suited as we approach the 20th anniversary of the genocide.

Before we conclude, I would like to take a moment to report back to you on the remarkable strength, resolve, and hope for the future that permeated all aspects of my visit to Rwanda. It was perhaps most apparent at the conclusion of the trip when I had the opportunity to meet with students of the National University of Rwanda's Genocide Studies and Prevention Programme.

Speaking with them, it was difficult to imagine that

Prosecutor's Remarks

Continued from pg. 1

.....Last week, as you are aware, OTP-ALAD made oral submissions in the *Karemera* and *Ngirumpatse* appeals and received judgement in respect of three of the accused in the *Military II* appeal. Additional briefing is underway on the remaining accused in the *Military II* appeal. Oral argument in the *Nizeyimana*, *Nzabonimana* and *Ngirabatware* cases will be presented before the ICTR and MICT Appeals Chambers respectively sometime in the next few months, with final judgements expected to be delivered by the end of this year.



A large crowd of the audience listening to the speeches during the Town Hall Meeting

just twenty years ago, Rwanda was on the precipice of an international tragedy of an unimaginable scope and magnitude. We should be reminded that in the immediate aftermath of the Genocide, with the Rwandan justice system reduced to shambles, it was not at all clear that the perpetrators of the Genocide would be held responsible for their crimes. Now, twenty years later, the Tribunal has helped to bring justice to the victims of the Genocide and advance the international community's goal of ending impunity for those who commit genocide, crimes against humanity, and war crimes. In the process, the Tribunal has also made substantial contributions to the development of international law and the reconciliation process in Rwanda.

With that and with the exception of the *Butare* case which will spill over to 2015 and any unforeseen spillover of work from the other appeals, ICTR is essentially on its completion path by end of this year. This reality will involve a retention exercise in the OTP and the separation of several colleagues in the course of 2014. Later this month, the OTP ICTR will hold a general staff meeting to discuss various aspects of that process.

In the meantime, OTP also continues with the work of archiving its records that is progressing steadily as more and more materials, duly made ready for archiving, are handed over to MICT. OTP's legacy-related activities are also progressing well. We have just successfully concluded a workshop in Kampala, Uganda, on the Prosecution of Sexual Violence and launched a Best Practices Manual on the investigation and prosecution of these crimes.

The next phase of that particular project will focus on the use of the manual to organize capacity building and training programmes in that particular field within the region. Already, a number of states have indicated their wish for the OTP to assist in this respect, which we are ready to provide should funds be available for that purpose.

You may recall that the OTP ICTR has similarly launched a manual on tracking and arrest of fugitives from international criminal justice and, in collaboration with the other tribunals, a compendium of lessons in the investigation and prosecution of international crimes. Both these manuals, I am pleased to report, are now being used by the Interpol as training material in their capacity building programmes. The OTP will continue working on other legacy related projects such as on referrals of cases to the national jurisdictions and the Genocide Story Project. I would like to thank all the staff who have been working very hard on these projects as well as our donors for the financial support they have provided.

2014 is the 20th anniversary of the Rwandan Genocide and probably the last year of ICTR's full operation. The Tribunal will work towards a fitting commemoration of that tragedy. Events are planned for April and again later in the year, in November. We look forward to all remaining staff participating actively in these commemorative events. The OTP hopes, *inter alia*, and funds permitting, to host in the course of the year the 7th and possibly the last Colloquium of International Prosecutors which fittingly will focus on the national prosecution of international crimes in the light of the experience of ICTR and other tribunals. This is particularly important given that with the closure of the *ad hoc* tribunals, the primary responsibility for investigation and prosecution of international crimes will rest on the national jurisdictions.

We have indeed come a long way in the implementa-



Some of ICTR Security agents at work during the Town Hall Meeting

tion of the completion strategy of ICTR. I would like to thank all the staff of the Tribunal whose commitment and hard work have made possible the attainment of this significant milestone in the mandate of ICTR. The challenges have been many and difficult but we should all be proud to have been part of this historic process, a process which have seen the accountability of the senior perpetrators of the genocide, the expansion of the jurisprudence of international criminal justice and the acceptability of that system as part of the global architecture of accountability.

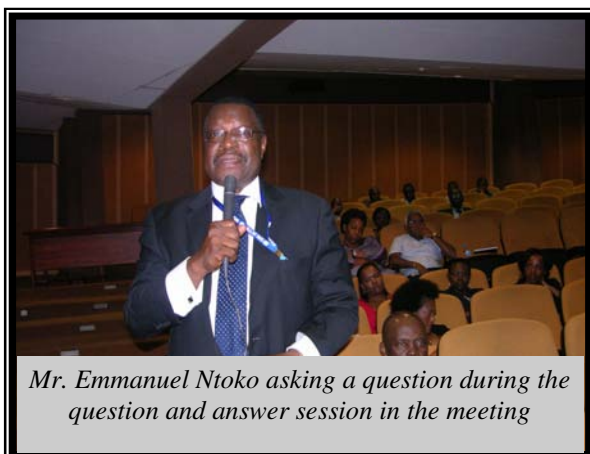
The task of tracking the three top fugitives and monitoring the cases referred to France and to Rwanda has already been taken over by MICT whose Arusha and Hague branches are now fully operational. The cases of other indictees have also been transferred to Rwanda for tracking and trial. The staff of ICTR and of ICTY are to be commended for their support in seeing MICT take off and in continuing to support it in its operations.

Despite the many challenges ahead, I am confident that the remaining staff will, as in the past, give their best, and thus make a successful completion of our mandate a reality....

Registrar's Remarks

Continued from pg. 1

.....To you dear colleagues, let me thank you very warmly for your commitment and dedication to the completion of the work of the Tribunal. The many achievements that we have recorded to date would not have been possible without the efforts of both current and past staff members of the ICTR. Our previous experience has shown that as we progress with the implementation of our Completion Strategy the remaining work will continue to decrease and our numbers will continue to reduce. From a cursory glance in this room today, it is clear that a number of colleagues who were with us last year, are no longer with us. This reaffirms the reality that each one of us will eventually leave the Tribunal. I am happy, however, to note that many of our former ICTR colleagues have joined both local and international organizations. This is a clear indication that the skills and expertise acquired from this great institution are on demand by employers both inside and outside the UN. Two of our colleagues have recently been appointed as judges of ICTR and ICTY. I would like to convey our congratulations and best wishes to them.



The Budget. One of the critical activities during 2013 involved presenting the budget of ICTR for the current biennium to the General Assembly for approval. For a number of reasons, it was not an easy task to defend the budget proposal for 2014 and 2015. Because Security Council Resolution 1966 of 2010 requires the Tribunals to complete their work before or by the end of 2014, some members of the General Assembly argued that ICTR and ICTY should be given one year and not two year budgets. There were other challenges. For example, Member States are particularly concerned about the travel budget. They demand a strict application of the new travel rules and have urged the Secretary-General not only to ensure that we apply them but also that we report the savings we shall generate by doing so. However, I am happy

to report that we got the funding which we had requested. The General Assembly approved a two year budget of ICTR and without any reductions. I am grateful to the hard work of the team that accompanied me and worked extremely hard to help us convince the Member States that the resources we were requesting were critical for the completion of the remaining workload. The obligation is now on us to ensure that we complete the remaining appeal cases, that we prepare our records for management by the Mechanism for International Criminal Tribunals (MICT), liquidate the assets of the Tribunal and close down during this biennium. I would like to reiterate the message of the Secretary-General that all departments must try to do more with less resources and to urge you to rise up to this challenge and cooperate with colleagues in the Budget and Finance Section in order to give meaning to this message.

The Workload and Related Issues. The most critical workload that we are expected to complete during this biennium are the remaining appeal cases which include the case of Karemera and Ndirumbatse, whose oral arguments were heard by the Appeals Chamber a week ago, the appeal cases of Nzabonimana and Nizeyimana whose oral arguments are expected to be heard during the first half of this year and the *Butare* appeal case that is expected to be completed in 2015. Because the judicial calendar projected that this last case is expected to be completed around July 2015, the Member States have given the budget for this biennium up to September 2015 when it is expected that ICTR will close operations. The gradual and progressive completion of the remaining workload will necessitate a corresponding reduction in required resources. For this reason, the Tribunal expects that there will be downsizing of its human resources during both 2014 and 2015.

Over 200 staff members separated from ICTR during the 2012-2013 biennium, some as a result of downsizing and others due to normal attrition. Based on current projections for the completion of judicial activities, it is anticipated that over 100 staff members will separate from ICTR by December 2014. The Kigali office has almost closed all ICTR operations except the Umusanzu Center and the disposal of remaining assets. It is expected that the Umusanzu Centre will be handed over to the Government of Rwanda in the course of this year. The remaining work in Kigali is expected to be completed in June 2014.

While talking about downsizing, let me remind all programme managers to work closely with the Staff Association and the Legal Officer in the Administration and to ensure that the retention exercises are carried out in an objective, transparent and proper manner in order to avoid unnecessary litigation. It is also the responsibility of each supervisor to inform staff members as early as possible of the outcome of the retention exercises and indicate when their services will no longer be needed.



Ms. Pierrette Ngumbu asking a question during the question and answer session in the meeting

We are required to continue to transfer residual functions to the Mechanism as soon as the time is ripe to do so. The transition of the remaining functions to the Mechanism is therefore an ongoing process. The Library has already been transferred to the Mechanism. The joint meeting of the Coordination Councils of ICTR and MICT has recently noted that the function of relocating the acquitted persons shall pass to MICT at the end of 2014. It is now necessary to work on transitional arrangements that will ensure that it is a smooth and complete transfer of this function at the end of this year.

The transfer of the archives of ICTR remains the most challenging of those functions. The major challenges stem from the fact that we are processing a large volume of records and we are chasing a very tight deadline at a time when the Member States have provided resources for only this year, 2014, for the completion of that work. Most of the posts in the Archiving Project will be abolished effective 31 December 2014, except a handful that will be required to mop up work that will remain or be generated by activities in 2015. In spite of those challenges we are making significant progress in this regard and

have handed over to the Arusha branch of the Mechanism, two temporary archives facilities and some of ICTR records that have been prepared for management by MICT. We are optimistic that ICTR will be able to deliver as expected.

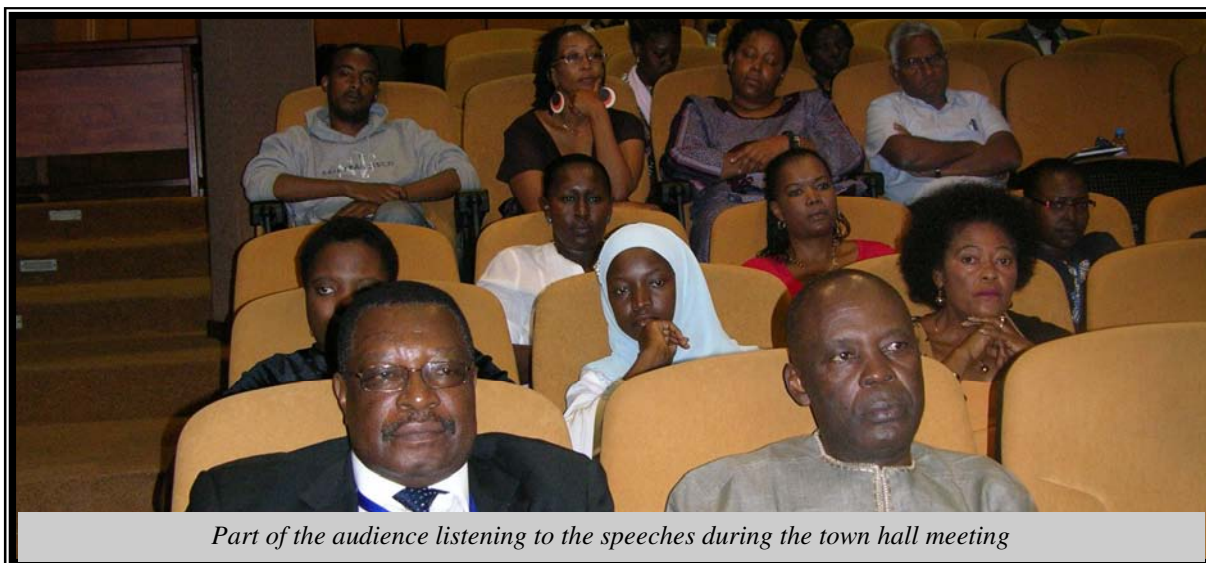
The current contract extensions have taken into account the needs of each particular unit, section, division and organ in relation to the completion of the remaining workload within the remaining period of the existence of ICTR. They have also taken into account the criticality of the functions performed by each **staff member** and the duration required for such services. By now, each staff member should be in possession of a valid contract for the biennium. Contract durations are therefore ranging from 3 to 24 months depending on the projected needs of the individual's services.

The most valuable asset of ICTR is its dedicated and motivated staff members, and this fact becomes even more critical in the final biennium of the Tribunal's life. Thus, supporting our staff during this professional and personal transition period is another vital dimension of the ICTR completion strategy. The Administration will continue to devise strategies for providing staff with skills needed to successfully transition to life after ICTR. Training will continue to be offered on competency based interviewing skills, transition to self employment, and pre-separation orientation sessions in order to enable our staff to successfully compete for opportunities in the wider UN. Furthermore, Ms. Kilemi will intensify advocacy with OHRM and the Department of Field Services on employment opportunities for ICTR staff in the UN. Plans to organize another job fair in the second half of 2014 are also underway.

Observance of the provisions of the Secretary General Bulletin on Sexual Exploitation and Abuse of Authority. In line with General Assembly Resolution 57/306 of 15 April 2003, ST/SGB/2008/5 of 11 February 2008, on the Prohibition of Discrimination, Harassment, including Sexual Harassment and Abuse of Authority, all staff members are reminded that Management firmly endorses these two directives and does not tolerate abuse of any kind within the work environment or even outside. The office of Chief DASS and that of Gender Focal Point are working on developing a web page which will also provide relevant information on sexual exploitation, abuse and harassment. Staff members are encouraged to familiarize themselves with both their rights and responsibilities by taking the mandatory on-line course entitled

UN Prevention of Harassment, Sexual Harassment and Abuse of Authority in the Workplace. Ms. Kilemi has issued several information circulars to this effect and all staff members are advised that this course is not optional and should be part of the ePAS learning goal. A copy of the certificate demonstrating that you completed the training must be submitted to HRPS for your personal files and records. The Staff Counselor, Gender Focal Point and Alternates are available for any assistance you may need in this regard.

informed about the security situation in your locality. I would also like to request all staff members to cooperate with the security section in order to ensure that the security warden system works according to expectations and is reliable. The preparedness of our Security Section for any kind of security threat requires all staff members to cooperate with security officials and to provide essential information, including information on their residences for use in cases of emergencies.....



Part of the audience listening to the speeches during the town hall meeting

Respect for the laws of the host country. We continue to be guests of the Tanzania Government and, as such, it is the responsibility of each one of us to abide by the laws and regulations of the host country. The privileges and immunities conferred to you for the benefit of the work of the Tribunal should not be used as excuses to neglect private obligations like timely payment of rent, domestic workers, bank loans, etc. I know we have had concerns with the manner in which some departments of the host country are handling ICTR related matters such as visas for Interns and traffic cases. It is for this reason that I continue to engage with senior government officials. The Administration also continues to work more closely with the concerned authorities in order resolve any problems and misunderstandings, if any.

Security and Safety. As I have advised on several occasions before, personal security is an individual responsibility and each one of us should avoid situations that have the potential to compromise our security. When I read some of the reported security incidents, it is very clear that some of us do not read the security advisories. Always keep yourselves

REMARKS BY MR. SHEIKH ALI, ICTR STAFF ASSOCIATION REPRESENTATIVE.

....As we know, in the recent past, we have had and continue to go through a lot of challenges at this final stage of the Tribunal's mandate.

These challenges included not only the number of staff retention exercises we went through to ensure that the process is fair and transparent, but also the special measures taken by management on staff entitlements, the ongoing negotiations on employment opportunities with OHRM and other UN Offices.

I would like to take this opportunity to request the Administration to look into the job openings of the MICT where former staffs of ICTR are not considered.



Mr. Ali Sheikh

In the last Town Hall meeting, I mentioned that the UN Secretary- General has decided to remove staff negotiation rights from the framework of the Staff Management Committee and I also mentioned that our administration has kept all binding agreement with staff and more specifically on the staff retention exercise. However, I am happy to report that the SG has appointed a working group that is currently working on the issue of staff management relationship.

Meanwhile, there are still few issues that need to be addressed as we come closer to the completion of the mandate. These issues, as we all know, relate to how we manage our human resources and their welfare.

On this note, I would like to mention that the notion of “we can do more with less” is well understood but we must understand that the more pressure we cope with in our day to day activities may adversely affect the health conditions of staff and morale. This demands more and more coordination of the welfare of the staff, classification of posts, providing fair chance to staff with, and consider merits to those whose performance is reward able. I am on concerned on our National staff’s medical insurance scheme with GMS but I understand that our administration is already working on it.

In this connection, we would like to request program managers to continue maintaining their professionalism and integrity in all their dealings with staff so that we can all achieve the mandate successfully and have more motivated staff.

We continue to encourage leadership by example and motivation of staff at all level so that we can all be proud of the contribution we are making to international justice.....

Appeals Chamber Delivers Judgement in Military II .

The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Theodor Meron, presiding, Judge Liu Daqun, Judge Carmel Agius, Judge Khalida Rachid Khan, and Judge Bakhtiyar Tuzmukhamedov, on 11 February 2014 pronounced its Judgement on the appeals lodged by Augustin Ndindiliyimana, François-Xavier Nzuwone-meye, and Innocent Sagahutu, and the Prosecution, reversing the convictions of Ndindiliyimana and

Nzuwonemeye in their entirety, reversing certain convictions for Sagahutu, leading to a reduction of his sentence from 20 to 15 years of imprisonment, and rejecting, in part, the Prosecution’s appeal.



Innocent Sagahutu

Prior to the Judgement pronouncement, the Appeals Chamber ordered the severance of the appeal of Augustin Bizimungu and the Prosecution’s appeal related to his case and requested further briefing concerning the Trial Chamber’s failure to make several legal findings when entering convictions.

On 17 May 2011, Trial Chamber II convicted Ndindiliyimana of genocide, extermination as a crime against humanity, and murder as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II based on attacks at Kansi Parish in Butare Préfecture and Saint André College in Kigali Préfecture in April 1994, and it also entered a separate conviction for murder as a crime against humanity. The Trial Chamber convicted Nzuwonemeye and Sagahutu of murder as a crime against humanity and murder as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II for the killing of Prime Minister Agathe Uwilingiyimana and Belgian UNAMIR peacekeepers in Kigali Prefecture on 7 April 1994.

The Appeals Chamber reversed Ndindiliyimana’s convictions based on his superior responsibility over gendarmes who participated in attacks at Kansi Parish and Saint André College, finding errors in the Trial Chamber’s assessment of the evidence and errors in its conclusions that Ndindiliyimana exercised effective control over such gendarmes. Furthermore, the Appeals Chamber found, as the Prosecution

conceded on appeal, that nothing supported Ndindiliyimana's conviction for murder as a crime against humanity as the Prosecution had withdrawn allegations in support of it. Consequently, Ndindiliyimana, who had been sentenced to time served by the Trial Chamber, was acquitted of all counts in the indictment.



Agustin Ndindiliyimana

The Appeals Chamber affirmed Sagahutu's criminal responsibility for aiding and abetting and as a superior in relation to the killing of at least two Belgian UNAMIR peacekeepers on 7 April 1994, but reversed the Trial Chamber's finding that he had ordered the killings. The Appeals Chamber further concluded that the Trial Chamber erred in holding Nzuwonemeye responsible as a superior, and reversed his convictions for this event. The Appeals Chamber also found that the Trial Chamber committed errors of law and fact and concluded that neither Nzuwonemeye nor Sagahutu could be held criminally responsible for the killing of Prime Minister Agathe Uwilingiyimana. Consequently, Nzuwonemeye was acquitted of all counts in the indictment and the Appeals Chamber, Judge Tuzmukhamedov dissenting, ordered his immediate release.

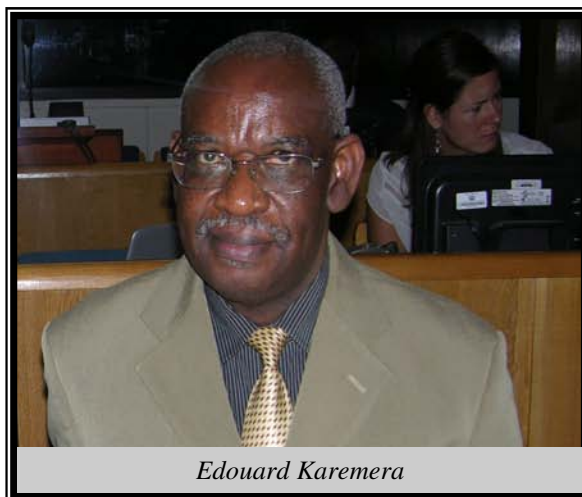
The Appeals Chamber dismissed the Prosecution's appeal as it related to Ndindiliyimana, Nzuwonemeye, and Sagahutu. During the relevant period, Ndindiliyimana held the rank of major general and, until 5 June 1994, was Chief of Staff of the Rwandan gendarmerie. He was arrested in Belgium on 29 January 2000.

Nzuwonemeye held the rank of major and was the commander of the Reconnaissance Battalion in April 1994, while Sagahutu was the commander of

Squadron A within the Reconnaissance Battalion during the same period. Nzuwonemeye was arrested on 15 February 2000 in France, and Sagahutu was apprehended on the same day in Denmark. This Judgment brings the total number of appeal judgements rendered by the Tribunal to 40, disposing of appeals concerning 50 persons. The remaining caseload of the ICTR Appeals Chamber consists of five cases which concern 11 persons.

Appeals Chamber Hears Oral Arguments in the *Karemera* and *Ngirumpatse* Case.

On Monday 10 and Tuesday 11 February 2014, the Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Theodor Meron, presiding, Judge Fausto Pocar, Judge Arlette Ramaroson, Judge Bakhtiyar Tuzmukhamedov, and Judge Koffi Kumelio A. Afande, heard the oral arguments in the appeals lodged by Édouard Karemera, Matthieu Ngirumpatse, and the Prosecution against the Trial Judgment pronounced by Trial Chamber III on 21 December 2011 and filed in English on 2 February 2012.

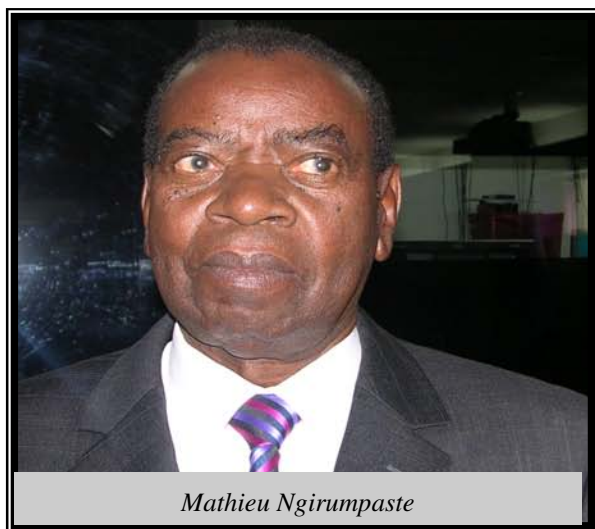


Edouard Karemera

The Trial Chamber convicted Karemera and Ngirumpatse under Article 6(1) of the Statute of direct and public incitement to commit genocide, rape and extermination as crimes against humanity, and violence to life, health and physical or mental well-being of persons as serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II.

The Trial Chamber also convicted Karemera under Article 6(3) of the Statute of genocide, extermination as a crime against humanity, and violence to life, health and physical or mental well-being of persons as serious violations of Article 3 common to the Geneva Conventions and of Additional Protocol II.

In addition, the Trial Chamber found Karemera and Ndirumapfse guilty of conspiracy to commit genocide, but did not enter a conviction for this crime on the basis of the principles relating to cumulative convictions. The Trial Chamber sentenced Karemera and Ndirumapfse to life imprisonment.



Mathieu Ndirumapfse

Karemera and Ndirumapfse contend that the Trial Chamber committed a number of errors of law and fact and request that the Appeals Chamber overturn their respective convictions and acquit them on all counts or, alternatively, reduce their sentences. The Prosecution submits that the Trial Chamber erred in law and in fact in acquitting Karemera and Ndirumapfse in relation to several crimes and/or modes of liabilities. It requests the Appeals Chamber to enter an additional conviction against Karemera and Ndirumapfse or expand the scope of their respective convictions in relation to certain other events.

Karemera was born in 1951 in Mwendo Commune, Kibuye Prefecture, Rwanda. In April 1994, he was First Vice President and Executive Bureau member of the MRND party (*le Mouvement Républicain National pour la Démocratie et le Développement*). On 25 May 1994, he became Minister of the Interior and Communal Development for the Interim Government. Ndirumapfse was born in 1939 in Tare Commune, Kigali Prefecture, Rwanda. During the relevant events,

he was National Party Chairman and Chairman of the MRND Executive Bureau.

Best Practice Manual on the Prosecution of Sexual Violence Crimes in Post-Conflict Regions Released.

On 30 January 2014, the Office of the Prosecutor (OTP) for the International Criminal Tribunal for Rwanda, released a comprehensive manual to identify best practices in the prosecution of sexual violence crimes in post-conflict regions. The manual draws on the OTP's nearly 20-year experience in prosecuting sexual violence crimes perpetrated during the 1994 Rwandan Genocide. During the Genocide, rape and other forms of sexual violence were used as a means to perpetrate genocide, war crimes, and crimes against humanity.

The manual provides practical tips for other international and national prosecutors tasked with investigating and prosecuting similar crimes. It is divided into the three principal stages of prosecution: investigation, pre-trial and trial, and appeal and post-appeal. For each stage, the OTP shares lessons learnt from its experience—both what was done well and what could have been done better. It includes summaries of key recommendations, checklists, sample investigative plans, and outlines of legal elements and modes of liability to help guide future prosecutions.

The release of the manual coincides with the start of a two-day international workshop that ICTR Prosecutor Hassan Bubacar Jallow convened in Kampala, Uganda, from 30 to 31 January 2014. Over 120 national and international prosecutors, judges, defence counsel, health professionals, victim and witness advocates, academics, and civil society groups gathered at his invitation to collectively design a model training program built on the key recommendations contained in the manual. Chief justices, prosecutors general, and ministers of health from Tanzania, Uganda, Rwanda, Kenya, and Burundi are among those who attended. Judges, registrars, and prosecutors from international and regional courts, including the International Criminal Court, African Court on Human and Peoples' Rights, Mechanism for International Criminal Tribunals,

International Criminal Tribunal for the former Yugoslavia, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, and Extraordinary African Chambers in the Courts of Senegal, also participated in the workshop.

The workshop focused on practical recommendations for implementing three components essential to closing the impunity gap that exists for sexual violence crimes, namely:

- *Prevention*—enhancing the role of women in policy and decision-making positions as a means of promoting more gender equality and decreasing gender-based violence;
- *Prosecution*—ensuring that, when gender-based violence occurs, those responsible will be identified and held accountable through fair and effective prosecution;
- *Partnership*—expanding the service network for the treatment of victims of sexual violence through partnerships with key stakeholders in the community, including government agencies and civil society.

All participants received a copy of the OTP's best practices manual. Copies of the manual also can be downloaded from the ICTR website: www.unicttr.org.

The workshop is made possible by the generous support provided by our partner UN Women, and sponsors of the Open Society Foundations, Johnson & Johnson Corporate Citizenship Trust, Government of Australia, and Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH. Additional support was provided by our host, the Republic of Uganda, and Platform for Social Justice.

The workshop and best practices manual are part of an on-going effort by Prosecutor Jallow to document and share lessons learnt in anticipation of ICTR's official closure next year. Last year, the OTP made available to national and international prosecutors a best practices manual on the tracking and arrest of

fugitives, and contributed to a compendium of best practice related to the prosecution of mass atrocities complied by prosecutors for all of the international courts and tribunals. In the next few months, Prosecutor Jallow plans to release a best practices manual on the referral of international criminal cases to national jurisdictions for trial, and to host a colloquium for international and national prosecutors on emerging issues in international criminal law. For these and other efforts to capture best practices in the prosecution of international crimes, the International Association of Prosecutors conferred its Special Achievement Award to the OTP in September 2013.

Ms. Elizabeth Howe, Chief Crown Prosecutor England and Wales Visits ICTR

On the invitation of Prosecutor Hassan Bubacar Jallow, the General Counsel of IAP, Ms. Elizabeth Howe, visited ICTR on 3 February 2014.

IAP is a non-governmental, non-political organization and the only global association of prosecutors. It numbers over 138 organizational members and 800 individual members representing every region in the world. IAP was established in June 1995 at the United Nations Offices in Vienna and was formally inaugurated in September 1996, at its first General Meeting in Budapest. The main impetus leading to its creation was the rapid growth in serious transnational crime particularly drug trafficking, money laundering and fraud. The need was perceived for a greater international co-operation between prosecutors and for greater speed and efficiency in mutual assistance, asset tracking and other co-operative measures.

This visit occurred five months after IAP conferred a Special Achievement Award on the Office of the Prosecutor (OTP) of the United Nations International Criminal Tribunal for Rwanda (UNICTR) in recognition, among other things, of the significant and important work that the Office of the Prosecutor of ICTR has accomplished in the fight against impunity for the most serious crimes and for taking the initiative



Elizabeth Howe forth from the left next to the Prosecutor Jallow and other MICT and ICTR staff during the visit

to establish a manual of best practices as a useful guide for national and international prosecutors around the world, who may be engaged in the prosecution of international crimes.

The day programme included meeting with Prosecutor Jallow, together with the Senior Management of OTP-ICTR and OTP-MICT, and the Chief of the Information and Evidence Support Section of OTP-ICTR, the representatives of the Registrar of ICTR, the Chief of Security of ICTR as well as a visit to the United Nations Detention Facilities. The visit took place in a spirit of courtesy and mutual respect and both parties agreed to further intensify their cooperation.

Mr. Mbacké Fall, Prosecutor- General of the Extraordinary African Chambers Visits ICTR

From 5 to 7 February 2014, the General Prosecutor of the Extraordinary African Chambers (EAC), Mr. Mbacké Fall visited the International Criminal Tribunal for Rwanda (ICTR) and the Mechanism for International Criminal Tribunals (MICT) in Arusha upon the invitation of Justice Hassan B. Jallow, Prosecutor of ICTR and of MICT.

EAC was created following an agreement signed between the Republic of Senegal and the African Union (AU) on August 22, 2012. The Tribunal was

established within the Senegalese judicial system to prosecute the perpetrators of international law violations in Chad between 1982 and 1990. This agreement concluded over two decades of efforts to secure a mechanism for the trial of Hissen Habré, the former President of Chad. The Chambers were inaugurated in February 2013.



The registrar Mr. Bongani Majola (Left) welcoming Mr. Fall in his office

The object of the visit was for an exchange of views on the relevance of the ICTR experience for the EAC. In this respect, Prosecutor Jallow assured his counterpart that the lessons and best practices experience of the OTP ICTR will be shared with the Office of the Prosecutor of the EAC.

During a working lunch with high UN officials in Arusha – Justice Hassan B. Jallow, Prosecutor of ICTR and MICT; Mr. Stephen Mathias, Assistant Secretary-General for Legal Affairs who was on a separate mission to ICTR/MICT Arusha; Mr. Bongani Majola, Registrar of ICTR and Mr. John Hocking, Registrar of MICT – Prosecutor Fall briefed officials on the status of the execution of the mandate of EAC and on some of the challenges it faces.

The work program also included individual meetings with the President of ICTR and with members of the Senior Management teams of ICTR and MICT, a courtesy meeting with the Honorable Lady Justine Sophia A. B. Akuffo, President of the African Court on Human Human and Peoples' Rights and a visit at the United Nations Detention Facilities.

The parties agreed that, as the first internationalized tribunal to have been established with the involvement of the African Union, EAC will provide valuable insight into what a regional approach to internationalized justice may look like. Principals of the ICTR and MICT expressed thanks to the Prosecutor of EAC for his working visit. It was further agreed that both parties will explore potential ways of improving their cooperation.

The visit took place in a spirit of courtesy and mutual respect.

Activity of the Appeals Chamber: January-February 2014

During January and February 2014, the Appeals



Chamber delivered **one** Judgement concerning **three** persons, heard appeals in **one** case concerning **two** persons, and issued **12** preliminary decisions or orders. The Appeals Chamber is presently seized of **five** cases

involving appeals from judgement concerning **11** persons.

Appeals from Judgement

The Trial Judgement in the *Ndindiliyimana 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 were heard from 7 through 10 May 2013. On 7 February 2014, the Appeals Chamber severed the case of one of the appellants (**A. Bizimungu**) and ordered further submissions and, on 11 February 2014, the Appeals Chamber delivered its

Judgement concerning three appellants (A. Ndindiliyimana, F. Nzuwonemeye, I. Sagahutu).

The Trial Judgement in the *Nyiramasuhuko et al./ Butare* case

OIC External Relations Communication and Outreach Unit Visits Kigali.



From 15-26 February, 2014, the Officer in charge of the ICTR's External Relations, Communication and Outreach Unit, Mr. Bocar Sy was on an official mission in Kigali, Rwanda. The major purpose of his visit was to meet the staff and the management of Umusanzu Centre to assess the current status of its work, as the Tribunal enters its final stage of operations, meet some Government officials, visit the Manager of the Kigali Memorial Site to learn

about their planned activities in relation to the commemoration of the 20th anniversary of the 1994 genocide against the Tutsis and discussed the status of co-

“**legacy of Genocide**” that will be held in Rwanda from 4-6 April 2014. It will be attended by various invited guests including politicians, academicians, re-



Mr. Bocar Sy speaking to Mr. Mucyo Jean De Dieu, the CNLG Executive Secretary

operation with the RBA (former ORINFOR)

During his mission, Mr. Sy also paid a courtesy call to the Executive Secretary of the National Commission for the fight against genocide (CNLG),

Mr. Jean De Dieu Mucyo, met the Director of the Rwanda Broadcasting Agency, Mr. Arthur Asimwe, the Permanent Secretary in the Rwandan Ministry of Justice, Mr. Pascal Ruganintwari and Mr. Freddy Mutanguha, the Director of AEGIST Trust and Manager of the Kigali Genocide Memorial site.

In all meetings with the officials, the discussions focused mainly on the forthcoming 20th commemoration of the 1994 genocide in Rwanda scheduled for April 7, 2014 and the way the ICTR could be involved in the planned activities and also the 20th Anniversary of ICTR scheduled for November this year.

All the officials from the Institutions above, who are among the ICTR principle partners in Rwanda, welcomed the idea of ICTR getting involved in the Commemoration of the genocide in April this year.

Mr. Freddy Mutanguha, briefed the ICTR official on the ongoing events that started in January this year as part of the 20th commemoration of genocide in Rwanda that include among others; launching of the KWIBUKA (to remember) torch, since 7 January, 2014. The flame is being taken around the country characterized by testimonies from perpetrators of genocide and also an international conference on the

searchers etc.

The executive secretary of the National Commission for the fight against genocide, Mr. Jean De Dieu Mucyo thanked the ICTR for the continued cooperation during the commemoration of the genocide. The ICTR distributes various publications on ICTR work and international justice to various stake holders and researchers attending the annual international conference on genocide organized by CNLG.

The Director General of RBA, Mr. Arthur Asimwe in organizing a forum on the role of media during the genocide, said that his Institution will play an active role in the 20th commemoration of genocide in Rwanda. He added that they are ready to involve the ICTR in their programs for the commemoration. On the 20th anniversary of the ICTR, the Director General of RBA promised that his institution will support the ICTR in providing media coverage to the activities of the event.

Mr. Sy also met the Permanent Secretary in the Ministry of Justice, Mr. Pascal Ruganintwari and Mr. Evode Nizeyimana, an adviser to the Ministry of Justice. The officials discussed the ICTR involvement in the 20th commemoration of the Rwandan genocide, the 20th anniversary of the ICTR and the handover of the ICTR Information and Documentation Centre to the Government of Rwanda when the Tribunal closes.



DASS meeting at Umusanzu

CHIEF DASS, MS. SARAH KILEMI MEETS ICTR AND MICT STAFF IN KIGALI.

The ICTR Chief of the Division of Administrative Support Services, Dr Sarah Kilemi visited Kigali from 9 -14 February 2014. Madame Kilemi held a meeting with the staff at Umusanzu Centre to assess the status of work as the tribunal enters its final stage of operations and particularly to examine the operations of the centre and the challenges faced.

In his remarks, the Head of the Centre, Mr. Innocent Kamanzi thanked the chief of DASS for paying the visit to the centre. He briefed the ICTR official on the planned activities that involve the awareness raising workshops on genocide in schools and the centre's involvement in the forthcoming 20th commemoration of the Rwandan genocide in April this year.

He however mentioned that there was still a challenge of lack of funds to implement the activities that the centre has been carrying on for some time since 2006. In addition Mr. Kamanzi mentioned the problems that the centre was currently facing including; internet and telephone connection. The chief of DASS noted the matter and said that the issues will be handled accordingly.

Speaking at the meeting, Ms Kilemi informed staff members that she had come to Kigali in line with the standing agreement that the chief of administration will be operating from Kigali for at least one week every

three months. She stated that the ending of ICTR mandate remains 2014 even though winding up efforts and liquidation exercise is an ongoing process. Thus all ICTR staff members are, as usual, reminded to be prepared for life after closure of ICTR in 2014.

She informed that the budget proposals for 2014-2015 have been prepared and it is anticipated in 2014 only a limited number of ICTR staff will be in Kigali, with MICT expected to take over the administrative responsibilities that are currently being done by ICTR.

Currently, Kigali has 14 staff but only 3 of them will be required for 6 months in 2014 to complete any of the remaining liquidation work. In addition the 4 staff in Umusanzu information centre will also be retained up to June 2014 while efforts to handover the center to other authorities are being finalized.

Finally, the chief of ICTR DASS together with Ms Moya Magiligan, the MICT Administrative Officer in Arusha held a meeting with the staff to brief them on how the two Institutions will be working together in this period where all the functions of the ICTR are being transferred to MICT.

Interpreting the world: Arusha celebrates 60th Anniversary of the International Association of Conference Interpreters (AIIC)



2013 marked the 60th anniversary of the International Association of Conference Interpreters (AIIC) whose constituent assembly took place on 11 November 1953 in Paris. Arusha-based interpreters, under the auspices of ICTR interpreters and AIIC members, chose 5 December 2013 to join world-wide and year-long celebrations of this milestone. The Arusha celebration, which involved users of interpreter services, practising interpreters, aspiring interpreters (including students) and schools, had the following aims: to recognize the work of AIIC for the betterment of the profession; to raise awareness about the profession of interpreters in the workplace and city (including publicizing the work of AIIC's Permanent Staff Committee (CDP)); to encourage fellow interpreters to join AIIC; and more importantly, to encourage and mentor students to embrace the profession of interpreting as part of succession planning.

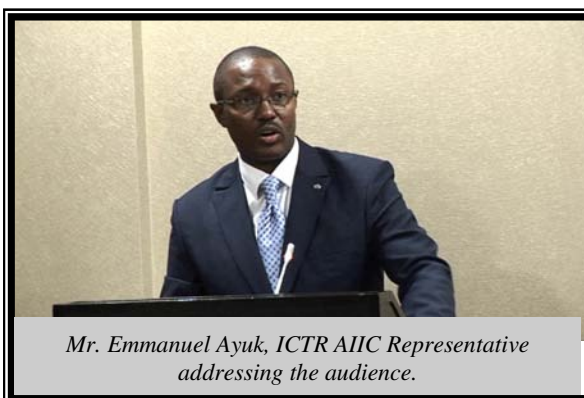
The first part of the event, opened to the public, took place at Mount Meru Hotel. After a welcome address by the ICTR representative of AIIC's Permanent Staff Committee, Mr Emmanuel Ayuk, ICTR Registrar, Mr Bongani Majola, who once served as a court interpreter, congratulated interpreters on their contribution to the work of ICTR and the indelible mark they have left on international law and the history of the

world. The Registrar further noted that *"it is ultimately the interpreters and translators of the world who keep us speaking with one voice, united in purpose and direction. Interpreters and translators keep us from speaking in babel and being scattered and isolated...We are counting on you to help us as we stitch our world together and as we become not only one humanity and one people in theory, but in practice, which is the mandate of the United Nations and part of the essential work of the ICTR."* Other speakers included representatives of the Registrar of the African Court on Human and Peoples' Rights, the Secretary General of the Pan-African Postal Union (PAPU) and LSS Chief, Oscar Tanifum, who took turns to recognize and explain the work of interpreters in their various organizations. In recognition of the growing importance of languages of limited diffusion in interpreting, Mr John Shumbusho made a presentation on the *"Challenges of situational language interpreters and their contribution to International Justice, Case of Kinyarwanda"*. The audience included the attentive students from St. Constantine's International School and representatives of interpreter user institutions (African Court, ICTR, Pan-African Postal Union, East African Law Society, Alliance Française, MICT).



After a coffee break and group picture, Oscar Tanifum, a seasoned interpreter trainer, facilitated the mentoring and coaching session devoted to students and aspiring interpreters during which students were given the opportunity to ask questions about the profession, observe a demonstration of interpreters working in different modes and especially, to identify a mentor to guide and encourage them on their path to becoming interpreters.

It should be noted that AIIC is an open and representative professional organisation of staff and freelance conference interpreters, with over 3,000 members in 100 different countries, working for the benefit of all conference interpreters and for the profession as a whole, and setting professional and ethical standards for the profession. The Association also contributes its expertise to ensure that future generations of interpreters will be trained to today's high standards.



The second part of the event, held at the ICTR, was exclusive to professionals and aspirants. The professional session sought to create a forum for interaction between interpreters (staff and freelance), discussions on matters of professional interest, including capacity building, the correlation between ethics and performance, transitioning from staff interpreter to freelance, and AIIC admission requirements. This session, which was facilitated by Roland Ngong, retired ICTR interpreter, was attended by staff interpreters from various Arusha-based institutions as well as freelance interpreters based in Arusha, Moshi, Dar-es-Salaam and Yaounde (Cameroon). At the end of the session, participants expressed the need for more regular meetings.

The celebration could not have been a success without the multiform support of partner institutions, notably ICTR, African Court, PAPU and Alliance Francaise, fellow interpreters (staff and freelance) and especially, the dedication of the organizing committee (composed entirely of LSS staff) for taking and leading the initiative through and through. The event once more raised the flag of ICTR, as it rides on the resounding success of the organization of the AIIC/CDP Committee in November 2011.