



ICTR Newsletter

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

July – September 2013

ICTR Registrar Visits Ghana, Côte d'Ivoire, and Burkina Faso



ICTR Registrar Bongani Majola during his visits to West Africa.

From the 2nd to the 12th of September 2013, the ICTR Delegation led by its Registrar, Mr. Bongani Majola, travelled on official missions to Ghana (01 – 04 September), Côte d'Ivoire (04 – 08 September), and Burkina Faso (08 – 12 September 2013) in West Africa.

The purpose of the missions was three-fold:

...Continues on page 2...

OTP-ICTR Receives Special Achievement

The International Association of Prosecutors (IAP) has conferred a Special Achievement Award on the Office of the Prosecutor (OTP) of the UN International Criminal Tribunal for Rwanda (ICTR).

...Continues on page 8...



ICTR/MICT Prosecutor Hassan B. Jallow during his statement dedicated the Special Achievement Award to the entire staff and management of the ICTR, to the victims and survivors of the tragic Rwandan genocide and to the courageous witnesses who overcame numerous challenges to assist the ICTR in the discharge of its mandate.

ICTR Principals Brief ICTR Staff on Completion Strategy During Town Hall Meeting

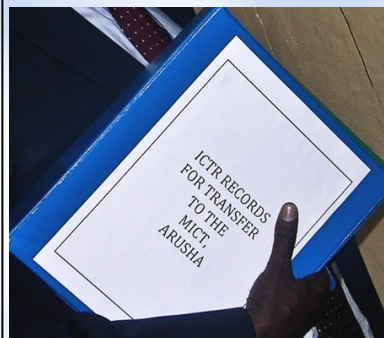


Left to right: ICTR Registrar Bongani Majola, DASS Chief Sarah Kilemi, ICTR President Judge Vagn Joensen, and ICTR & MICT Prosecutor Hassan B. Jallow during the Town Hall Meeting.

On 23 September 2013 the ICTR principals briefed staff of the Tribunal on the latest developments in the Tribunal's implementation of the completion strategy at a Town Hall meeting held in the Simba Hall of the AICC.

...Continues on page 4...

ICTR Transfers Temporary Archives Facilities to MICT



Handover Archives.

the implementation of its completion strategy.

...Continues on page 10...

Contents

- ICTR Registrar Visits Ghana, Côte d'Ivoire, and Burkina Faso..... 2-3
- ICTR Principals Brief ICTR Staff on Completion Strategy During Town Hall Meeting..... 4-7
- OTP-ICTR Receives Special Achievements Award..... 8
- Prosecutor Releases Lessons Learnt Manual for the Tracking and Arrest of Fugitives from International Justice.... 8-9
- ICTR Transfers Temporary Archives Facilities to MICT..... 10
- Mandiaye Niang from Senegal Appointed as Permanent ICTR Judge..... 10
- ICTR Prosecutor Hands Over Last Case File to Rwanda..... 11
- Activity of the Appeals Chamber: July-September 2013..... 12
- Picture Spread (Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)..... 13-17

Editor-in-Chief: Roland Amoussouga

Editor: Danford Mpumilwa

Editorial Committee Members: Sarah Kilemi, Cheick Bangoura, Iyane Sow, Anees Ahmed, Roman Boed

Editing/Layout/Design/Photos: Lino Cucciniello, Jubeth Mungure

Contributions: Danford Mpumilwa, Cheick Bangoura, Roman Boed

E-Mail: ictr-press@un.org

Website: www.unict.org

ICTR Registrar Visits Ghana, Côte d'Ivoire, and Burkina Faso

...Continued from page 1...

- a. to express the ICTR highest appreciation for the multifaceted support so far received from their countries, through the contributions of their citizens as well as the judicial assistance which facilitated the identification and arrest of suspects, and the movement, appearance and protection of witnesses who resided in their territories and who are called upon to testify in Arusha;



Ghana President H.E. John Dramani Mahama (right) receiving the ICTR information kit from ICTR Registrar Bongani Majola (left).

- b. to discuss matters of mutual interest in order to strengthen further the spirit of cooperation between the ICTR and their respective Governments; and
- c. to provide them with a briefing in relation to the completion of the mandate of the ICTR as well as challenges encountered in parts of the

Security Council mandate to close the Tribunal by 31 December 2014 as stated in its Resolution 1966 of 22 December 2010, with a view to enlisting their support in addressing the most acute challenges facing the ICTR.

The Registrar thanked the member States visited for their constant and continued cooperation with the ICTR. He stressed that it was this excellent cooperation which has greatly contributed and enabled the Tribunal to achieve its mandate as per Security Council's Resolutions.



Prime Minister of the Côte d'Ivoire H.E. Daniel Kablan Duncan (right), ICTR Registrar Bongani Majola (centre), and ICTR-ERSPS Chief/ICTR Spokesperson Roland K. Amoussouga (left).

The Registrar further noted with delight that the visited member States have consistently met their obligations under Resolution 955 (1994) of the Security Council and Article 28 of the ICTR Statute. As such, they have positively responded to various requests for assistance or orders issued by the ICTR Chambers of the ICTR, which facilitated the smooth discharge of its mandate. He noted with highest appreciation, the

...Continued on page 3...

judicial assistance and useful co-operation received by the ICTR in the investigation phase, the identification of suspects, the arrest/detention/transfer of suspects/accused to the Headquarters of the ICTR in Arusha, the facilitation of movement and protection of witnesses before and after their testimony in Arusha, and the taking of testimony by way of video-link.

The Registrar also underlined the critical cooperation received in the area of the provision of identification and travel documents that allowed witnesses, who reside illegally on their territories to safely travel to Arusha and return back to their countries without any fear of insecurity or reprisal.

The Registrar furthermore expressed gratitude for the multifaceted professional contributions made by some of the citizens of their countries, in the capacities as past and current staff members, which



ICTR Registrar Bongani Majola (left) presenting the ICTR information kit to Burkina Faso Minister of Civil Service, Labour and Social Welfare Hon. Vincent Zakane (right).

form part and parcel of the great legacy of the ICTR. He seized the opportunity to inform the member States of the residual activities of the ICTR and the challenges facing the Tribunal before its final closure in 2014. He provided them with an extensive briefing on the current status of the implementation of the mandate of the ICTR.

10 Politique

Samedi 7 - Dimanche 8 septembre 2013

Fraternité-Matin

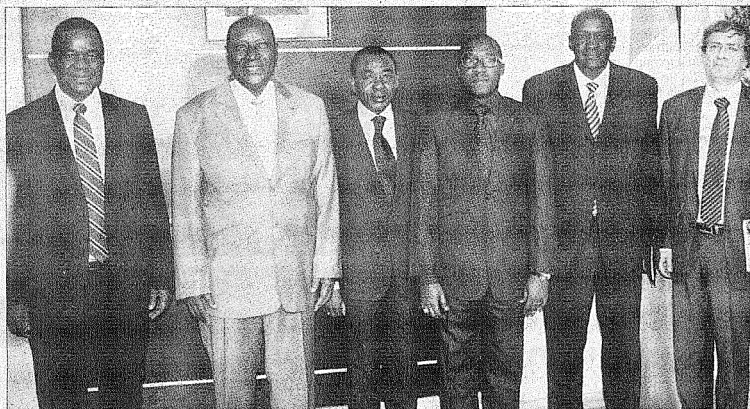
Justice internationale

La reconnaissance du Tpir à la Côte d'Ivoire

Le sous-secrétaire général des Nations unies pour le Tribunal pénal international sur le Rwanda (Tpir), Bongani Majola, a été reçu, hier, par le Premier ministre, ministre de l'Économie et des Finances, Daniel Kablan Duncan.

Je suis heureux d'être en Côte d'Ivoire et de pouvoir rencontrer les officiels ivoiriens pour leur rendre compte des travaux du Tribunal pénal international pour le Rwanda qui arrivent pratiquement à leur fin. Je profite de l'occasion pour remercier le gouvernement ivoirien pour l'appui et le soutien multiforme que la Côte d'Ivoire a toujours eu à apporter à ce tribunal dans le cadre de ces enquêtes et de ses procès. C'est également le lieu pour moi d'exprimer la reconnaissance du Tpir pour la contribution des filles et des fils ivoiriens qui ont participé à la construction de l'œuvre de notre institution. C'est ce qu'a déclaré le sous-secrétaire général des Nations unies pour le Tribunal pénal international pour le Rwanda, Bongani Majola.

C'était hier à la Primature, à la sortie d'une audience avec le Premier ministre, ministre de l'Économie, Daniel Kablan Duncan. Le chef du gouvernement avait à ses côtés le minis-



Bongani Majola (à gauche) est venu dire merci à l'État ivoirien pour sa contribution à la justice au Rwanda. (PHOTO : CHARLES GAHOUDÉ)

tre d'État, ministre des Affaires étrangères, Charles Koffi Diby et le Garde des sceaux, ministre de la Justice, des

Droits de l'homme et des Libertés publiques, Mamadou Coulibaly Gnégnéma. Le Tpir a été mis en place, le 8

novembre 1994, par le Conseil de sécurité des Nations unies, afin de juger les personnes responsables d'actes de génocide

et d'autres violations graves du droit international humanitaire commis sur les territoires du Rwanda et d'États voisins,

par des citoyens rwandais, entre le 1^{er} janvier et le 31 décembre 1994. Son siège est à Arusha en Tanzanie.

Selon Bongani Majola, il a mis en accusation environ 93 personnes et en a poursuivies 83. Ces poursuites, a-t-il dit, ont été possibles grâce à la participation de beaucoup de personnes, en particulier beaucoup d'Ivoiriens, qui étaient des juristes ou fonctionnaires dans l'administration et qui ont travaillé dans les enquêtes et la protection des témoins.

Bongani Majola a été nommé greffier du Tribunal pénal international pour le Rwanda, en janvier 2013, par le Secrétaire général des Nations unies, Ban Ki-moon, pour une durée de quatre ans ou jusqu'à la fin du mandat de ce tribunal.

Après le Premier ministre Daniel Kablan Duncan, il a été reçu par le ministre d'État, ministre de l'Intérieur et de la Sécurité, Hamed Bakayoko.

ÉTIENNE ABOUA

An article from Fraternité Matin, a Côte d'Ivoire newspaper, recognizing the achievements of the ICTR.

ICTR Principals Brief ICTR Staff on Completion Strategy During Town Hall Meeting

...Continued from page 1... The briefings were made by the President of the Tribunal Judge Vagn Joensen; the ICTR/MICT Prosecutor Justice Hassan Bubacar Jallow; and the Registrar Mr. Bongani Majola. We reproduce some excerpts from the speeches they made.

Excerpts from President Joensen's Address to the ICTR Town Hall Meeting



ICTR President Judge Vagn Joensen addressing the Town Hall Meeting.

... Since our last Town Hall Meeting in February, we have all worked very hard to ensure that we continue to meet all of our completion strategy targets for this year, and we do so as all organs of the Tribunal are devoting their best efforts to finishing the work of the Tribunal expeditiously while simultaneously ensuring the smooth transition to the Mechanism. It is with immense gratitude that I acknowledge and thank you on behalf of the judges for the high measure of work you have completed, and applaud all of you for your commitment to this institution, especially in the face of the departure of many staff members and reduced resources.

... On 21 February 2013, shortly after our last Town Hall meeting, the written Judgement in the Ngirabatware case was filed, marking the delivery of the Tribunal's final trial judgement. With that, I am proud to report that the Tribunal has now completed its work at the trial level with respect to all of the 93 accused. This of course accounts for the fact that the remaining cases where trial is not complete have been referred to national jurisdictions or are now the responsibility of the Mechanism.

With the work at the trial level completed, the Tribunal's judicial work now rests almost entirely with the Appeals Chamber. To date, six appeals concerning 15 persons remain to be decided. Five of the six remaining appeal cases concerning 9 of the accused are still expected to be disposed of before the end of 2014, and the final multi-accused appeal judgement concerning 6 persons in the Butare case is now anticipated by August 2015. Since our last

Town Hall meeting, the Appeals Chamber also rendered a final decision upholding the Trial Chamber's referral of the Munyagishari case to Rwanda on 3 May 2013.

... On the same day that the Trial Chamber filed the written Judgement in the Ngirabatware case, it also rendered a decision ordering the prosecution by the Mechanism of two individuals for contempt of the Tribunal. The President of the MICT assigned me in my capacity as the Duty Judge of the Arusha Branch of the Mechanism to decide on certain aspects of these matters which are in the competence of a Single Judge under the Mechanism Statute and Rules. In March and July 2013, I rendered decisions on motions relating to the jurisdiction of the MICT, and on 17 July 2013, I issued a decision whereby I declined to initiate contempt proceedings or further investigations on the matters relating to the Ngirabatware case. Also, as expected, the notice of appeal in the Ngirabatware case has been filed with the Mechanism, making it the first appeal from a judgement in an ICTR or ICTY case to be handled by the Mechanism.

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 related to matters including State Cooperation, amendment of indictments and arrest warrants, witness protection review, contempt of the Tribunal, and the administration of monitoring of referred cases. In terms of monitoring, the Registrar and I continue to oversee the administrative functions of the monitoring of the Uwinkindi trial in Rwanda, until the end of 2013. All responsibilities for monitoring of the Munyagishari case in Rwanda have already become the responsibility of the Mechanism, save for the fact that the ICTR continues to provide interim monitors from the Registry, who are expected to begin working closely with MICT staff in the near future to continue the interim monitoring until an organisation is brought on board.

During our last town hall meeting the transfer of judicial functions to the Residual Mechanism was

...Continued on page 5...

underway. I can now say that the transfer is almost complete. Nearly all of the Tribunal's judicial and prosecutorial functions, save for the appeals, have been transferred to the Mechanism. The Mechanism has further assumed responsibility for protection of witnesses and numerous other functions, while the Registrar and I remain tasked with relocating the remaining acquitted persons and convicted persons who have completed their sentences in Arusha. The Registrar and I continue to work closely to engage in diplomatic efforts towards the issue of relocation, and, to this end, the Tribunal has submitted on 30 May 2013 a strategic plan for the relocation of acquitted and released persons from the United Nations Detention Facility. It is our continued hope that all relocation can be concluded before the Tribunal closes,

and I commend the Registrar for the extensive efforts he has made in recent months in this regard, as well as thank him for the excellent coordination that our offices have established in working together on this important issue.

...

As we approach the 20th anniversary of the Genocide in Rwanda and of the creation of the Tribunal it is important to remember that the legacy of the ICTR, its contribution to the development of international law, and its invaluable role in the process of reconciliation in Rwandan will not soon be forgotten and would not be possible without the indispensable support of you, the staff. ...

Excerpts from Prosecutor Jallow's Address to the ICTR Town Hall Meeting



ICTR/MICT Prosecutor Hassan B. Jallow addressing the Town Hall Meeting.

...

Last December, The ICTR completed all trials at first instance. Just about a week ago, we in OTP announced the filing of the final appeal brief in our appellate workload. This act signals the onset of the last

leg of the Completion Strategy. Whilst there is still much intensive work left to be done in presenting the remaining appeals for the rest of the year and well into 2015, it also means that OTP can now shift some of its focus to archiving, completion of legacy matters and administrative closure as well.

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 the ICTR.

The task of tracking the three top fugitives and monitoring the cases referred to France and to Rwanda has already been taken over by the MICT whose Arusha and Hague branches are now fully operational here and in The Hague. The cases of 8 other indictees have also been transferred to Rwanda for tracking and trial.

As you are aware the two branches of the mechanism in Arusha and The Hague are now fully operational, the former having commenced on 1st July

2012 and the latter only recently on the 1st July 2013. I have, in accordance with the statute of the mechanism, designated Richard Karegyesa as the OIC of the Arusha Branch and Mr. Mathias Marcussen as the OIC of The Hague Branch. Whereas the Hague Branch will be focusing mainly on appeals in addition to support to national jurisdictions and maintenance of archives, the Arusha Branch will have only one appeal to manage, i.e. the Augustin Ndirabatswe case with the bulk of its work resting on preparations for the trial of the three top fugitives. I would like to record our thanks to ICTR staff who have provided and continue to provide support to the MICT both in respect of its take off as well as its operations.

OTP has been regularly bidding farewell to its staff since 2011. As the last leg gets ready for completion, we will continue with the downsizing of staff sometime next year. As we miss our friends and colleagues in the OTP and around the Tribunal, we also thank them for their valuable contributions towards the achievement of our goals. On behalf of myself and the whole of the OTP, I wish those who will be leaving us now and in the near future the very best in their future endeavors. As I have always said, there is life after the ICTR as the rest of us who will be left to complete the remaining tasks will follow you and hopefully continue on the path of service to humanity in its many endeavours.

As staff reductions continue to bite in the months ahead, OTP staff will be focused on three primary tasks – the intense activity around the completion of pending appeals; the preparation for archiving of the remaining OTP materials; and the completion of closure and legacy related tasks and projects including the preparation of the OTP completion report for submission to the Secretary-General and the Security Council.

...Continued on page 6...

All of OTP's remaining work is on track to be completed by the end of 2014. Save for the Butare case which is expected to spill over into 2015. The OTP is currently undertaking substantial work on legacy projects in the belief that the experience of the ICTR, indeed of all the other tribunals, can provide useful lessons, if properly documented, for other international as well as national jurisdictions engaged in the investigation and prosecution of international crimes. Last year, the OTP ICTR, in collaboration with its counterparts at the ICTY, SCL, STL and the ECCC, was able to launch a compendium of best practices in the investigation and prosecution of such crimes. Last month the OTP ICTR published a similar lessons learnt manual on the tracking and arrest of fugitives from international criminal justice, one of the most challenging but absolutely essential elements of our work.

Early 2014, the OTP will convene an international workshop in collaboration with UN Women and the Open Society Initiative to review draft manuals

on the investigation and prosecution of sexual violence. These manuals will not only provide lessons from the ICTR experience, but also lay the basis for the training of law enforcement officials in this difficult area, particularly for those in the Great Lakes Region where sexual violence continues to challenge the international community. Similar OTP publications will follow next year. One on the referral of cases to national jurisdictions and the lessons therein for the empowerment of national jurisdictions to undertake their primary responsibility of prosecuting crimes. Another will be a narrative of the genocide on the basis of adjudicated facts.

Efficient and effective completion will be a success indicator. It will not be easy with reduced staff but with the full cooperation and support of staff from across the Tribunal, I am convinced that we will do a good job of closure of the tribunal and leave a sound legacy for not only future UN based tribunals but also, the many national tribunals that may be established by member states. ...

Excerpts from Registrar Majola's Address to the ICTR Town Hall Meeting



ICTR Registrar Bongani Majola addressing the Town Hall Meeting.

As we begin our second Town hall meeting of the year ...

We are now three months away from the end of the 2012 and 2013 budget biennium as well as the beginning of the last biennium in the life of the ICTR, the 2014 and 2015

biennium. A lot of progress has been made since our first Town Hall meeting of this year. That has taken us a couple of additional steps towards the completion of the mandate of the ICTR. Allow me therefore, at the outset, to express my profound appreciation to all staff members in the Chambers, the Office of the Prosecutor and the Registry, for enabling us to make that progress ... I hope that we all recall that, in its Resolution 1966 of 22 December 2010, the Security Council has requested the ICTR and ICTY to take all possible measures to expeditiously complete all their remaining workload as provided by the same resolution, no later than 31 December 2014, to prepare their closure and to ensure a smooth transition to the Mechanism ...

Looking back, I recall that a number of things

have been achieved by the ICTR during the current biennium ... :

- The ICTR completed all trials in the first instance as required in Security Council Resolution 1503 of August 2003 and in subsequent resolutions;
- The ICTR assisted the establishment of the Arusha branch of the MICT which started on 01 July 2012;
- The two and only detainees whose cases were earmarked in the Completion Strategy for referral to Rwanda for trial were both successfully transferred to the authorities of the state of Rwanda during this biennium, marking the completion of the leg of the Completion Strategy that envisaged the referral of some cases to national jurisdictions;

Significant work still needs to be completed ... The transfer of the archives of the ICTR remains the most challenging of those functions. ...

Looking back at all the achievements of the ICTR, I take pride in stating that our work has once more reaffirmed the supremacy of the rule of law and the commitment of the international community to fight impunity by holding to account those who committed atrocity crimes in Rwanda in 1994 ...

...

The draft of our budget proposal for the bienni-

...Continued on page 7...



um 2014-2015 is currently under review by the Controller. In line with the anticipated reduction in workload during the next biennium, our budget submission proposes an overall reduction of our resources by over 40%. We have recently also submitted the Second Performance Report for the biennium to the Office of the Controller. We are now waiting for the Secretary-General soon to issue his report on the financing of ad hoc international criminal tribunals to the Advisory Committee on Administrative and Budgetary Questions (ACABQ). We hope to defend that report before the ACABQ and the 5th Committee in November and December 2013, respectively.

...

The approval of the budget for the next biennium impacts directly on the extension of contracts. While, on the one hand, we should endeavour to retain sufficient resources to complete the workload that will remain to be completed during 2014 and 2015, financial and other pressures that the United Nations and Member States are experiencing require us not to request more resources than are reasonably required. In the same vein we are required to extend the contracts of only those staff members who are critical for the completion of the remaining workload and only for the time they are required.

Contract extensions must and will therefore take into account the needs of any particular unit, section, division and organ in relation to the completion of the remaining workload within the remaining period of the existence of the ICTR. The final decision on contract extensions will also be based on the outcome of staff retention exercises which must be conducted in cases where two or more staff members are performing similar functions and there is a need to scale down the number of persons performing those functions.

...

While noting the challenges associated with retention exercises, especially in this critical period, I would like to explain why programme managers should always perform their functions in accordance with relevant administrative rules and regulations. Each programme manager will be held accountable for his or her personal decisions based on the established accountability framework. ...

I would like to emphasize that it is the right of staff members to request a review of the decisions that we make, including decisions that flow from the retention process if they believe that those decisions are not fair. Several staff members have filed complaints with the Management Evaluation Unit (MEU)

and the United Nations Dispute Tribunal (UNDT) challenging management decisions taken by the Registrar and various programme managers at this Tribunal. ... I think that programme managers can avoid adverse MEU and UNDT decisions by basing their decisions on existing rules and follow prescribed procedures, including, in the case of the ICTR, rules and procedures laid down in the Retention Criteria of October 2007 as modified by the Manyara Accord of April 2008.

...

The hand-over of the temporary archives facilities to the Mechanism last week marked a significant milestone in our efforts and progress towards the completion of our mandate. It also signifies another giant step in handing over functions to the Mechanism and presents tangible evidence of the preservation of the records of this Tribunal. I would like to express my gratitude to all those who made this handover possible. Two of the three temporary archive facilities, namely, room K-114 on the first floor of the Kilimanjaro building and the former holding cells on the ground floor of the same building, that were constructed entirely to house long-term and permanent records to be transferred to the MICT, have now been completed. They represent the archiving space that was handed over to the Mechanism last week.

Along with these records centres, the ICTR also transferred to the Mechanism 372 linear meters of physical records, which consist of approximately 1,600 boxes ...

One of the most daunting challenges facing the ICTR is the relocation of acquitted persons and those who were released in Tanzania after completing their sentences. The fact that some of these persons were acquitted as long ago as 2004 but in spite of the efforts of the ICTR, they still remain in Tanzania, without means of their own, without identity documents, lacking the right to be employed in this country, unable to be reunited and therefore to live with their families and with their freedom remaining severely curtailed ...

...

In conclusion, allow me to express my profound gratitude and admiration to all ICTR staff members for the dedication you have shown to the mission of the Tribunal. It is because of the hard work and commitment of the staff of this institution that we can all look back with pride when we see the work we have accomplished...

* Full speeches are available at www.unictt.org

OTP-ICTR Receives Special Achievement Award

...Continued from page 1...

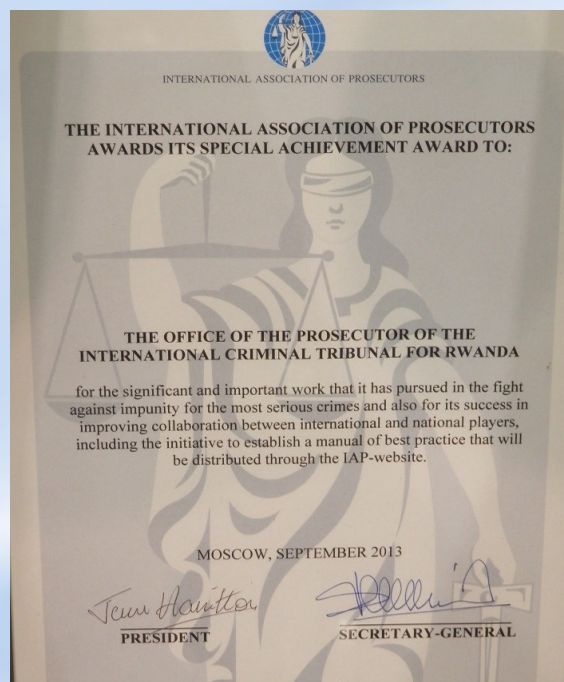
The Prosecutor of the ICTR, Justice Hassan B. Jallow received the Special Achievement Award from the International Association of Prosecutors at a ceremony held in the Russian capital of Moscow on 9 September 2013.

The Award was conferred in recognition among other things of the 'significant and important work that the Office of the Prosecutor of the ICTR has pursued in the fight against impunity for the most serious crimes and for taking the initiative 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.

On accepting the Special Achievement Award on behalf of the Office of the Prosecutor of the ICTR, Prosecutor Jallow thanked the International Association of Prosecutors for singling out the OTP of the ICTR for such a prestigious award. Prosecutor



ICTR & MICT Prosecutor Hassan B. Jallow receiving the Special Achievement Award.



Special Achievement Award on the Office of the Prosecutor (OTP) of the UN International Criminal Tribunal for Rwanda (ICTR).

Jallow also thanked many for their support to the ICTR over the years including his predecessor prosecutors, staff members of the OTP past and present, successive Registrars and Presidents of the ICTR and their staff over the years, Secretaries General Kofi Annan and Ban Ki-moon and staff at UN Secretariat, the government and people of Rwanda and the international community at large.

Finally, Prosecutor Jallow dedicated the Special Achievement Award to the entire staff and management of the ICTR, to the victims and survivors of the tragic Rwandan genocide and to the courageous witnesses who overcame numerous challenges to assist the ICTR in the discharge of its mandate.

Prosecutor Jallow was accompanied to the ceremony in Moscow by the former Chief of Prosecution of the ICTR and now Officer-in-Charge of the Arusha Branch of the Mechanism OTP, Mr. Richard Karegyesa.

Prosecutor Releases Lessons Learnt Manual for the Tracking and Arrest of Fugitives from International Justice

The Prosecutor of the ICTR on 16 August 2013 released a manual on "The Tracking and Arrest of Fugitives from International Criminal Justice: Lessons from the International Criminal Tribunal for Rwanda (ICTR)".

The apprehension of fugitives has been one of the greatest challenges faced by the Tribunal, and in particular the Office of the Prosecutor (OTP), since

its inception. Without enforcement powers of its own, the Tribunal was dependent on national authorities to conduct arrests. Its fugitives were located in numerous countries across the globe - with many in African states. Many obtained new identities and chose remote or inaccessible places to hide, sometimes in conflict zones. They created new lives for themselves, obtained employment, or even joined militias in conflict zones. Several were adept at

...Continued on page 9...

*ICTR & MICT Prosecutor Hassan B. Jallow.*

Nevertheless, with the assistance of national authorities and INTERPOL, the Tribunal secured the apprehension of 83 of its 93 fugitives from 27 jurisdictions, leaving 9 at large (1 died prior to arrest). The tracking of the remaining fugitives will continue under the aegis of the Mechanism for International Criminal Tribunals (UN-MICT) which will conduct the trials of its top three fugitives **Felicien Kabuga**, **Protais Mpiranya** and **Augustin Bizimana** in the event of their arrests. Fugitives **Fulgence Kayishema**, **Pheneas Munyarugarama**, **Aloys Ndimbati**, **Ladislav Ntaganzwa**, **Ryandikayo** and **Charles Sikubwabo**, whose indictments have been referred pursuant to the Tribunal's rules, will be tried in Rwanda if arrested. The Prosecutor takes this opportunity to remind all Member States of their obligation to cooperate with the MICT in the arrest and transfer of its fugitives.

Further details about the fugitives and the substantial rewards available under the US War Crimes Rewards Program for information leading to their apprehension may be found on the MICT's website: www.unmict.org.

As the ICTR mandate comes to a close, the Prosecutor is keen to share the lessons learned by his office in pursuit of the Tribunal's fugitives. The document released today documents those lessons and makes practical recommendations for those tasked with apprehending international fugitives from justice. The document examines the legal framework required for tracking; the structure and management of specialized units for tracking; strategies for tracking; the handling of confidential sources; rewards programs; and security issues related to tracking operations. Recognizing the importance of securing the cooperation of Member States at the political level, special consideration is given to the need for engagement with national authorities.

It is clear that the apprehension of international fugitives is a complex issue. Its success depends,

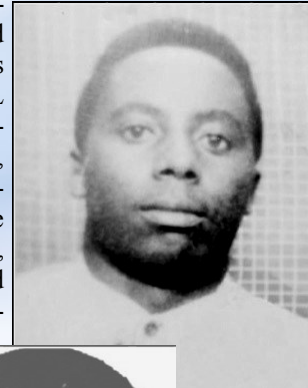
securing protection, including from senior officials in the states in which they sought refuge. In some cases states lacked the resources and/or political will to cooperate with the Tribunal in accordance with their legal obligations.

among other things, on the work of a dedicated and technically competent team of investigators; cooperation with national law enforcement agencies; diplomatic outreach, sometimes at the highest levels of state; and, not least of all, the willingness of the general population to provide information that may lead to the apprehension of suspects.

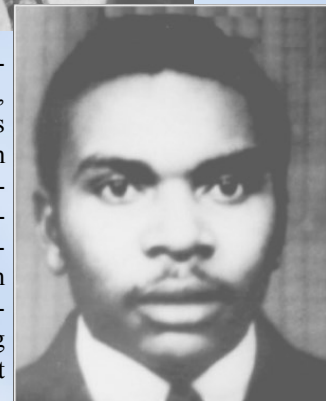
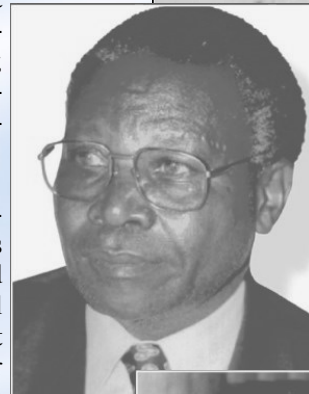
In this regard the Prosecutor acknowledges all those who have contributed to the achievements of the Tribunal's tracking operations, including its trackers for their dedication in difficult and sometimes dangerous conditions; INTERPOL for its investigative support; civil society groups, NGOs and regional organizations, including the Friends of the ICTR, which have provided support both to investigations and at the diplomatic level;

the international community, particularly those Member States that assisted the Tribunal in the arrest and transfer of fugitives; the United States Department of State, whose War Crimes Rewards Program proved critical to tracking efforts; and the Tribunal's former Prosecutors, all of whom recognized the importance of tracking operations in the fight against impunity.

The manual will be made available to national and international investigating and prosecuting authorities. To obtain a complementary copy of the document authorized national and international investigating authorities should submit a formal written request on official letterhead to the ICTR Prosecutor. It is hoped that this document will assist all those concerned with apprehending international fugitives from justice and ensuring that the fight against impunity succeeds.



Augustin Bizimana (top), Felicien Kabuga (left), Protais Mpiranya (bottom); top three fugitives indicted for the Rwanda genocide.



ICTR Transfers Temporary Archives Facilities to MICT

...Continued from page 1... Among other functions of the MICT, whose Arusha branch began its operations on 1 July 2012, is management of the ICTR archives.

On 17 September 2013 the United Nations International Criminal Tribunal for Rwanda handed over temporary archives to the Mechanism for International Criminal Tribunal (MICT) as part of the implementation of its completion strategy. Among other functions of the MICT, whose Arusha branch began its operations on 1 July 2012, is the management of the ICTR archives.

The hand-over was presided over by the President of the Tribunal Judge Vagn Joensen at a short ceremony also attended by the ICTR/MICT Prosecutor Justice Hassan Bubacar Jallow, the Registrar Mr. Bongani Majola, the Representative of the MICT President, Ms. Karen Johnson and the Representative of the MICT Registrar, Mr. Samuel Akorimo.

All officials underscored the fact this was an important milestone in the history of the ICTR and that of the MICT. They commended the staff and management of both the ICTR and the MICT who



ICTR President Judge Vagn Joensen (front left) and ICTR Registrar Bongani Majola (back left) handing over the ICTR Records to the Representative of the MICT President Karen Johnson (front right) and the Representative of the MICT Registrar Samuel Akorimo (back right).

played an important role in the compilation and state of the art storage of the archives which would play an important role in the legacy of the Tribunal. The temporary archive facilities are in Room K114 and in the former Holding Cells with the Kilimanjaro Block of the AICC. Along with these records centres, the ICTR also transferred to the Mechanism 372 linear meters of physical records, which consist of approximately 1,600 boxes.

Mr. Mandiaye Niang from Senegal appointed as permanent ICTR judge



ICTR Judge Mandiaye Niang.

The Secretary-General of the United Nations has appointed Mr. Mandiaye Niang from Senegal as permanent judge of the International Criminal Tribunal for Rwanda (ICTR) following the resignation of Senegalese Judge Andréia Vaz earlier this year. The appointment is effective from 11 September 2013 until 31 December 2014, or until the completion of the cases to which Judge Niang will be assigned if sooner.

Mr. Niang has served as the Regional Representative for the United Nations Office on Drugs and Crime (UNODC) in Southern Africa since April 2011. Prior to his appointment with UNODC, Mr. Niang was employed at the ICTR as Senior Legal Adviser to the trial chamber judges, and as Special

Assistant to the Registrar. From 1997-2011 Mr. Niang occupied various positions at the ICTR entailing the provision of legal and policy advice, assisting with the drafting of judicial decisions, and carrying out representation and administrative functions.

Prior to his engagement with the ICTR and the United Nations system, Mr. Niang served successively as a judge and a prosecutor in the Regional Tribunal of Dakar, Senegal, and later as a Trial Attorney attached to the office of the Prosecutor General of the Senegalese Supreme Court.

Mr. Niang holds a Master's Degree in Law from the Université de Dakar and a Post Graduate Certificate from École Nationale d'Administration et de Magistrature in Dakar. He has published over twenty articles in selective law reviews in French and English and co-authored several books on international humanitarian law. He is a visiting lecturer in a number of institutions, including the Dakar Centre de Formation Judiciaire, the University of Rwanda, and the Institute of International Law attached to Makerere University in Uganda.

ICTR transfers last detainee to Rwanda

The International Criminal Tribunal for Rwanda (ICTR) on 24 July 2013 transferred to Rwanda Genocide suspect Bernard Munyagishari from its custody in Arusha, Tanzania.

The former head of the genocidal party MRND in former Gisenyi prefecture was in pre-trial detention and his transfer is part of the court's completion strategy. He was the last suspect in the custody of the UN-backed court.

Munyagishari's transfer came after he lost a petition for a stay of his transfer from ICTR to Kigali.

He was arrested in May 2011 in DR Congo and charged with conspiracy to commit genocide, genocide, complicity in genocide, as well as murder and rape as crimes against humanity.

A seemingly pensive Munyagishari arrived at the Kigali International Airport aboard a commercial RwandAir flight from Kilimanjaro, Tanzania, at around 5p.m, under the custody of ICTR officials.

He was then delivered to Rwandan prosecutors, who, in turn, handed him over to designated judicial police officers.

Prior to this, on Wednesday 17 July 2013 officials of the ICTR/MICT acting on behalf of The Prosecutor of the ICTR, Hassan B. Jallow, in Arusha, Tanzania, handed over the case file of Bernard Munyagishari to a representative of the Rwandan Prosecutor General's Office. The transfer of Munyagishari's case file to Rwanda marked the last of such transfers from the Office of the Prosecutor of the ICTR following the transfer of seven other cases on previous occasions. This latest transfer also concluded a significant phase in the Tribunal's Completion

Strategy. It follows the recent decision of the ICTR Appeals Chamber on 3 May 2013 to uphold a referral decision of the Trial Chamber which allowed for the transfer of the case to Rwanda following a successful application by the Prosecutor under Rule 11bis of the ICTR Rules of Procedure and Evidence.

Bernard Munyagishari was a former Secretary General of the MRND and President of the Interahamwe in Gisenyi Prefecture, Rwanda, in 1994. He was arrested on 25 May 2011 in Kachanga, North Kivu, DRC and transferred to the ICTR in Arusha on 14 June 2011. He made his initial appearance before Judge Byron on 20 June 2011 and pleaded not-guilty to five counts charging him with conspiracy to commit genocide, complicity in genocide and crimes against humanity for murder and rape, in connection with the killings and rapes of Tutsi women in Gisenyi prefecture and beyond between April and July 1994 carried out at the Catholic Church, Saint Fidèle College, the Convent in Nyundo Parish, the 'Commune Rouge' and other places. He is also alleged to have recruited a Special Corps of Interahamwe called the 'Ntarumikwa to carry out these crimes.



Bernard Munyagishari after being handed over to the Rwandan security at Kigali International Airport.

Activity of the Appeals Chamber: July-September 2013

During July, August, and September 2013, the Appeals Chamber issued **14** preliminary decisions or orders.

The Appeals Chamber is presently seized of **6** cases involving appeals from judgement concerning **15** 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. Judgement deliberations are in progress.

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



Pauline Nyiramasuhuko, ex Rwandan politician, indicted for the Rwanda genocide in the Butare Case. She is the first woman to be convicted by the ICTR.

of appeal in February 2012 and the briefing was completed in February 2013. The appeals were heard on 6 May 2013 and judgement deliberations are in progress.

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



Joseph Kanyabashi, former Bourgmestre of Ngoma commune, indicted for the Rwanda genocide in the Butare case.

progress.

The Trial Judgement in the *Karemura & Ngorumpatse* 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 was completed in March 2013. The appeals are being prepared for a hearing.

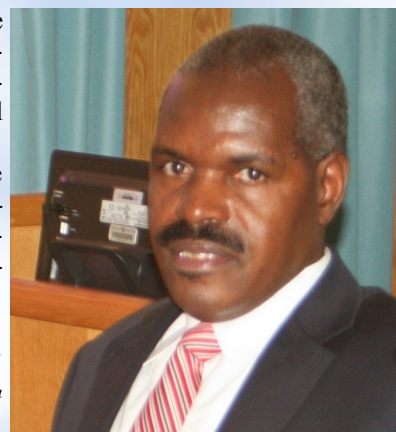
The Trial Judgement in the *Nzabonimana* case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both parties filed notices of appeal and the briefing is in progress.

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.

Summary

To date, the Appeals Chamber has delivered **38** Appeal Judgements, concluding the appellate proceedings in respect of **46** persons.

Idelphonse Nizeyimana, former FAR Captain, indicted for the Rwanda genocide.



Picture Spread

(Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)

GHANA



Left to right: UNDP Resident Representative/UN Resident Coordinator Harmandip Ruby Sandhu-Rojon, Constant Hometowu, ICTR-ERSPS Chief/ICTR Spokesperson Roland K. Amoussouga, ICTR Registrar Bongani Majola, and Ghana President H.E. John Dramani Mahama during the audience.



Ghana Minister of the Interior Hon. Kwesi Ahwoi (left) with ICTR Registrar Bongani Majola (right).



Ghana Minister of Foreign Affairs and Regional Integration Hon. Hannah Tetteh Kpoda with ICTR Registrar Bongani Majola (right).



ICTR Registrar Bongani Majola (third from the left), Attorney General/Minister for Justice of Ghana Hon. Marietta Brew Appiah-Oppong (fourth from the left), ICTR-ERSPS Chief/ICTR Spokesperson Roland K. Amoussouga (second from the right) with other Senior Officials of Ministry for Justice.



Left to right: Constant Hometowu, ICTR Registrar Bongani Majola, Ghana Chief of Justice Georgina Theodora Wood, ICTR-ERSPS Chief/ICTR Spokesperson Roland K. Amoussouga, and Judicial Secretary Justice Alex B. Poku-Acheampong.



ICTR Registrar Bongani Majola (right) presenting the ICTR information kit to Ghana Chief of Justice Georgina Theodora Wood (left).

Picture Spread

(Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)

CÔTE D'IVOIRE



Prime Minister of the Cote d'Ivoire H.E. Daniel Kablan Duncan (right) with ICTR Registrar Bongani Majola (left).

Left to right: ICTR-ERSPS Chief/ICTR Spokesperson Roland K. Amoussouga, ICTR Registrar Bongani Majola, Prime Minister of the Cote d'Ivoire H.E. Daniel Kablan Duncan, Minister of Justice Hon. Mamadou Coulibaly Gnenema, State Minister/Minister of Foreign Affairs Hon. Charles Koffi Diby, Ahmed Sow from the ICTR Registrar's Office, and UNDP Country Director Luc Joel Gregoire.



The Registrar Mr. Bongani (centre) is flanked by Hon. Charles Koffi Diby, State Minister, Minister of Foreign Affairs (second left); and Hon. Mamadou Coulibaly Gnenema, Minister of Justice (right).



ICTR Registrar Bongani Majola (right) presenting the ICTR information kit to the Minister of Justice Hon. Mamadou Coulibaly Gnenema (left).

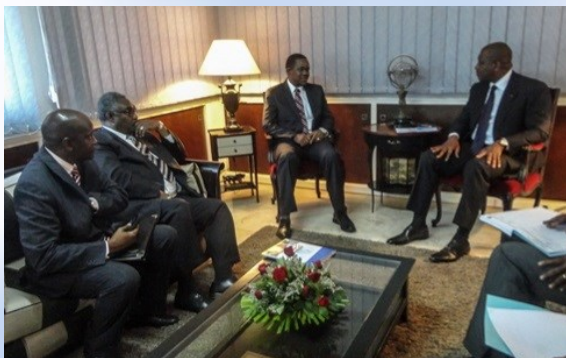
Picture Spread

(Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)

CÔTE D'IVOIRE



*ICTR delegation
with Representatives
of the Civil Society
Organization in
Côte d'Ivoire.*



*Left to right: Ahmed Sow from the ICTR Registrar's Office, ICTR-ERSPS
Chief/ICTR Spokesperson Roland K. Amoussouga, ICTR Registrar
Bongani Majola, & Minister of state, Minister of Interior and Security
Hon. Hamed Bakayoko.*



*Côte d'Ivoire President National Human Right Commission Ezouehu Paulette
Badjo (front, third from left) next to ICTR Registrar Bongani Majola, mem-
bers of the Executive Bureau of National Human Rights Commission, and
ICTR Delegation.*



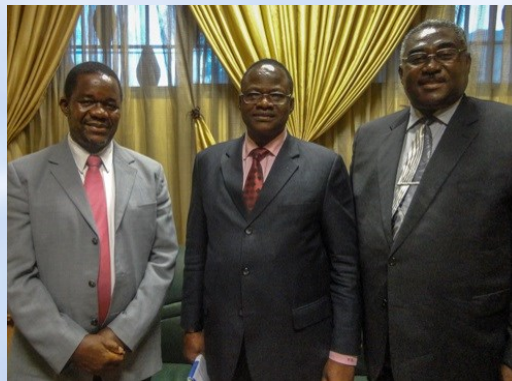
*Left to right: Ahmed Sow from the
ICTR Registrar's Office, Chief
Human Rights Division/
Representative of the UN High
Commission for Human Rights in
Côte d'Ivoire Eugene Nindorera,
ICTR Registrar Bongani Majola,
Rule of Law Section ONUCI Chief
Françoise Simard, ICTR-ERSPS
Chief/ICTR Spokesperson Roland
K. Amoussouga.*

Picture Spread (Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)

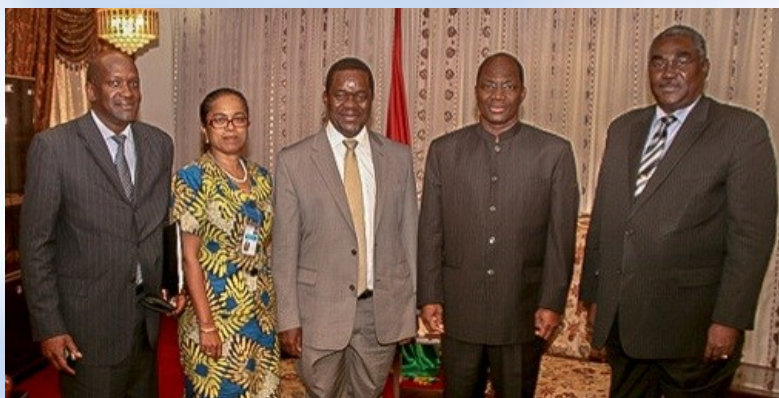
BURKINA FASO



ICTR Registrar Majola Bongani (left) with the Minister of Foreign Affairs and Regional Cooperation Hon. Yipene Bassolet (right).



Left to right:
ICTR Registrar
Bongani Majola,
Burkina Faso
Minister of Civil
Service, Labour
and Social
Welfare Hon.
Vincent Zakane,
and ICTR-
ERSPS
Chief/ICTR
Spokesperson
Roland K.
Amoussouga.



Left to right: Ahmed Sow from the
ICTR Registrar's Office, Acting UN
Resident Coordinator/
Representative of the World Health
Organization (WHO) Dr. Djamila
Cabral, ICTR Registrar Bongani
Majola, Minister of Foreign Affairs
and Regional Cooperation Hon.
Yipene Bassolet, and ICTR-ERSPS
Chief/ICTR Spokesperson Roland
K. Amoussouga.

ARCHIVES HAND OVER



Presiding the event (left to right): Registrar Bongani Majola, President Judge Vagn Joensen, Prosecutor Hassan B. Jallow, MICT Representatives Samuel Akorimo and Karen Johnson.



Left to right: President Judge Vagn Joensen and Prosecutor Hassan B. Jallow handing over records to MICT Representatives Karen Johnson and Samuel Akorimo.

Picture Spread

(Registrar's Visit to Ghana, Côte d'Ivoire, and Burkina Faso, & Archives Hand Over)

ARCHIVES HAND OVER



President Judge Vagn Joensen (left) and Registrar Bongani Majola.



Ceremony participants.



Officer-in-Charge, Communication Cluster Danford Mpumilwa hosting the event.



President Judge Vagn Joensen (left) and Prosecutor Hassan B. Jallow (right).



Ceremonial cutting of the ribbon in front of the Archives room.



ICTR Principals briefed in the Archives room.