



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

March– April 2013

## Judge Vagn Joensen re-elected as President of the ICTR

In a plenary session held on 10 April 2013 at The Hague, The Netherlands, Judge Vagn Joensen (Denmark) was re-elected, by acclamation, to continue his service as President of the United Nations International Criminal Tribunal for Rwanda for a second term commencing 27 May 2013. Judge Joensen was first elected in February 2012 to serve the remainder of the Presidential term vacated by Judge Khalida Rachid Khan (Pakistan) upon the latter's redeployment to the Appeals Chamber.

Judge Joensen joined the Tribunal in May 2007 as *ad litem* Judge and member of Trial Chamber III. Before joining the Tribunal, Judge Joensen was a judge at the Danish High Court, Eastern Division, in Copenhagen since 1994 and served as an international judge in Kosovo for UNMIK from 2001 to 2002.



*President Judge Vagn Joensen*

Born in 1950, Judge Joensen obtained a Master of Law in 1973 at the University of Aarhus, and has studied at the City of London College and Harvard Law School. Judge Joensen served in the Danish Ministry of Justice until he was appointed a Judge at the City Court of Copenhagen in 1982, and he had been teaching constitutional, criminal and civil law at the Law Faculty of the University of Aarhus and of the University of Copenhagen. Judge Joensen has been the Chairperson of the Tribunal's Rules Committee since its inception in 2007, and was Vice-President of the Tribunal from August 2011 until February 2012. He was elected as a judge of the successor to the ICTR and ICTY, the Mechanism for International Criminal Tribunals, in December 2011 and has served as Duty Judge for its Arusha Branch since 2 July 2012.

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Editor-in-Chief: *Roland Amoussouga*.

Associate Editor: *Danford Mpumilwa*.

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

Editing/Layout/Design/Photos: *Linnea Hansson*.

Contributions: *Danford Mpumilwa, Charles Kamuru, Roman Boed*.

E-Mail: [ictt-press@un.org](mailto:ictt-press@un.org)  
Website: [unictr.org](http://unictr.org)



## ICTR Registrar Undertakes Maiden Working Visit to The Hague and New York



*The Registrar Mr. Bongani Majola during his meeting with the Legal Counsel of United Nations Ms. Patricia O'Brien, Under Secretary General of Legal Affairs*

In March 2013, the Registrar undertook his first mission abroad as Registrar of the ICTR. Mr. Bongani Majola's mission took him to The Hague from 4 to 5 March 2013 and to New York from 05 to 16 March 2013. He was accompanied by Dr. Ahmed Iyane Sow, Legal Advisor in the Immediate Office of the Registrar. The purpose of this mission, in addition to introducing the new Registrar, was to engage in important discussions with UN officials and other stakeholders. Among others, issues included an update to Member States on the progress of the ICTR in the implementation of its Completion Strategy, discussions on the proposed budget of the ICTR for the 2014 and 2015 biennium, the challenge of relocating acquitted persons and released convicts, as well as employ efforts aimed at reversing the reclassification of the Arusha duty station as a B station.

During the mission to The Hague, the Registrar had the opportunity to discuss projections regarding the completion of the Butare appeals with President Meron and to meet and exchange views with the Judges of the ICTR's Appeals Chamber. The completion of the appeals in the Butare case will have an impact on the closure of the Tribunal. In Resolution 1966, the Security Council requested the ICTY and ICTR to take all possible measures to expeditiously complete all their remaining work as provided by this resolution no later than 31 December 2014. It was noted that the Butare appeals would not be completed before this date and agreed on the way forward. In addition the mission offered the opportunity to meet other officials of the ICTY and the Mechanism for International Criminal Tribunal.

He concluded his mission with his first meeting with the Registry staff in the Appeals Chamber Support Section whom he briefed on the remaining workload, the transfer of functions to the MICT, the preparation of the ICTR budget for 2014 and 2015, the implementation of the Completion Strategy in general and the consequent and inevitable downsizing imperatives that follow, as well as challenges encountered with regard to the acquitted persons and convicts that are released

on Tanzanian soil. On his way out he visited and held discussions with the Registrar of the International Criminal Court (ICC) especially on the vexed problem of relocating acquitted persons in view of the fact that the ICC is experiencing a similar challenge with the only acquitted person it has so far.

In New York the Registrar met and updated the Legal Counsel and her staff and updated them on the implementation of the Completion Strategy, the status of transfer of functions to the MICT, and the challenges of relocating acquitted persons. He also addressed the Informal Working Group on International Tribunals (IWGIT) particularly on the challenges faced by the Tribunal in relocating acquitted persons and convicts who have been released on Tanzanian soil. The Informal Working Group expressed understanding and support to the ICTR in this regard and decided to keep the matter on its agenda. The Registrar also had the opportunity to address the Ambassadors and other officials of the African Union Member States on work progress and challenges faced by the Tribunal in its efforts to complete the remaining work and closing down. The African Union expressed strong support to the Tribunal particularly regarding the problem of acquitted person as well as resources that the ICTR will require to complete its work on time.

The Registrar also met the members of the International Civil Service Commission (ICSC) and tried to persuade them that the reclassification of Arusha into a B duty station had overlooked important factors as well as the inputs of the staff members in Arusha and that if these had been taken into account, perhaps a different classification would have been rendered. He emphasized the need and fairness of the ICSC reviewing its decision and even invited them to send some of their people to Arusha to see the conditions there.



*Registrar Mr. Majola (standing centre) in a group picture with some students and Professor of City University of New York after addressing them.*

The mission was concluded with a visit to the UN Archives to discuss further cooperation with ARMS as well as to learn other lessons that can be of assistance to the ICTR as it continues to prepare its records for transfer to the Mechanism for International Criminal Tribunals.



## Activity of the Appeals Chamber: March-April 2013

During March and April 2013, the Appeals Chamber issued **19** preliminary decisions or orders.

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

### **Appeals from Judgement**

The Trial Judgement in the *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 will be heard from 7 through 10 May 2013.

The Trial Judgement in the *Ndahimana* case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both parties filed their notices of appeal in February 2012 and the briefing was completed in February 2013. The appeals will be heard on 6 May 2013.

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

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

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

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

### **Other Appeals and Post-Appeal Requests**

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

### **Summary**

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

## Danish Prime Minister Helle Thorning-Schmidt Visits ICTR

The Danish Prime Minister, Her Excellency, Helle Thorning-Schmidt on 7 March 2013 visited the United Nations International Criminal Tribunal (ICTR) in Arusha during which she held talks with senior officials of the Tribunal including: the ICTR President Judge Vagn Joensen, Prosecutor Mr. Hassan Bubacar Jallow, Mr. Roland Amoussouga, Chief of External Relations and Strategic Planning, representing the Registrar Mr. Bongani Majola and Mr. Samuel Akorimo, Head of Office, Registry of the Arusha Branch of the Mechanism for International Criminal Tribunals (MICT).

The Prime Minister was briefed on the work of the Tribunal and its successor, the MICT, by the officials who also commended the unwavering support of the Kingdom of Denmark to the work and operations of the ICTR.

Her Excellency Helle Thorning-Schmidt, hailed the successful work of the Tribunal, especially with respect to the Tribunal's outreach efforts and landmark jurisprudence related to crimes of sexual violence, saying that Denmark applauds and strongly supports such efforts related to the advancement of Rule of Law and will always continue to do so.

The Prime Minister also took time to visit the Gender Violence Exhibition at the Tribunal which was part of the celebrations to mark the International Women's Day.



*The Danish Prime Minister, Her Excellency, Helle Thorning-Schmidt (left), Judge Vagn Joensen, Prosecutor Mr. Hassan Bubacar Jallow, Mr. Roland Amoussouga, Chief of External Relations and Strategic Planning, representing the Registrar Mr. Bongani Majola and Mr. Samuel Akorimo, Head of Office, Registry of the Arusha Branch of the MICT.*



## Togolese Ambassador to the African Union and Ethiopia Visits Tribunal

Ambassador of Togo to Ethiopia, African Union and the Economic Commission for Africa, H.E Mrs. Virginie Amoko Kouvahe on 16 April 2013 paid a courtesy call to the ICTR Registrar, Mr. Bongani Majola during which she was appraised on the work of the Tribunal including its achievements and challenges.

Ambassador Kouvahe was also briefed on the ICTR outreach activities by Mr. Roland Amoussouga, Chief of the External Relations and Strategic Planning Section (ERSPS) and Spokesperson of ICTR .

*Mr. Majola with Ambassador Kouvahe in his office on 16 April 2013.*



## Registrar Visits Dar es Salaam and Kigali

Following his appointment as Registrar of ICTR by the United Nations Secretary-General in December 2012 effective from 1 January 2013, Mr. Bongani Majola, in mid-February 2013 undertook a mission to Dar es Salaam and Kigali in order:

- : to introduce himself as the new ICTR Registrar to the officials of the Governments of Tanzania and Rwanda, the Tanzanian and Rwandan Judiciaries, the UN Agencies and Diplomatic Corps accredited to both countries, and to meet with the staff of the ICTR in Rwanda;
- : to brief those constituencies on the status of the ICTR current affairs including its achievements, challenges, progress towards the completion of the mandate of the Tribunal; and
- : to explore with the officials ways to enhance cooperation and partnership between ICTR and the Governments of Tanzania and Rwanda during this critical stage of the completion strategy of the ICTR.

### Mission to Dar es Salaam

On 18th and 19th February 2013 the Registrar was in Dar es Salaam during which he paid courtesy calls on the Heads of host Government Ministries, the UNDP and other Bodies which are stakeholders of ICTR. These included the Minister for Home Affairs, Dr. Emmanuel Nchimbi; the Minister for Justice and Constitutional Affairs, Hon. Mathias Chikawe; the Deputy Minister for Foreign Affairs and International Cooperation Hon. Mahadhi Juma Maalim and Chief Court Administrator in the office of the Chief Justice, Mr. H.A.Kattanga.

He also paid a courtesy call on the High Commissioner of South Africa to the United Republic of Tanzania, H.E. T. H. Chiliza and on the UNDP Resident Representative and UN Resident Coordinator, Mr. Alberic Kacou.

In this Mission the Registrar was accompanied by Mr. Roland K. Amoussouga, Chief of External Relations and Strategic Planning Section (ERSPS) and ICTR Spokesperson, and Mr. Jerry Mburi, Legal/ Administrative Officer also liaison for host country matters.

The Registrar used this occasion to appraise the government officials on the latest developments on the work of the ICTR and to discuss a few pending issues that require urgent attention of the host Government.



*The ICTR Registrar, Mr. Bongani Majola (second left) meeting with the Tanzanian Deputy Minister for Foreign Affairs and International Cooperation Hon. Mahadhi Maalim (centre) in Dar es Salaam. Seated (right) is Mr. Roland Amoussouga, Chief of ERSPS and ICTR Spokesperson and Mr. Jerry Mburi, ICTR Legal/ Administrative Officer.*



### **... Registrar Undertakes Maiden Working Visit to Dar and Kigali**

The Registrar had fruitful discussions on cooperation with all of them during which he also briefed them on the ICTR judicial activities which were coming to an end. He told them that the trials were over and appeals were due to be completed in December 2014. The ICTR was busy preparing for records and transferring them to the Mechanism for International Criminal Tribunal whose Arusha Branch was launched in July 2012.

The Registrar also informed them that the major challenge facing ICTR now was where to take those who were acquitted and those who had already served prison sentences but were still in Tanzania. Seven have been acquitted but have no country to go to and three were released upon completion of their sentences while awaiting transfer from the United Nations Detention Facility in Arusha to a third country for the enforcement of their sentences.

The officials reiterated their support to the work of the ICTR and commended the Tribunal for its remarkable achievements in bringing to justice those who played a leading role in the commission of the crimes of genocide in Rwanda and in promoting international criminal justice. They pledged to continue supporting these efforts of the ICTR and extended to the Registrar their best wishes in his new appointment which was very challenging.



*The ICTR Registrar Mr. Bongani Majola in discussion with Hon. Dr. Emmanuel Nchimbi, Tanzania's Minister of Home Affairs in Dar es Salaam.*

### **Mission to Kigali**

The Registrar's mission to Rwanda took place between 19<sup>th</sup> and 22<sup>nd</sup> February 2013. In Kigali he first met with His Excellency Ambassador Michel Arrion, Head of the Delegation of the European Union to Rwanda, assisted by Mr. Daniel Schaer, Head of the Political Section in the European External Action Service of the Delegation.

Mr. Majola briefed them on the status of implementation of the ICTR Completion Strategy and the situation



*The Registrar Mr. Majola (right) in a meeting with the UN Resident Coordinator in Rwanda, Mr. Lamin M. Manneh (centre) and the Dean of Diplomatic Corps in Rwanda and Ugandan High Commissioner, H.E. Mr. Richard Kabonero.*

of acquitted persons and released convicts after completion of their sentences. He elaborated on these challenges and discussed about future ICTR legacy projects for which the European Union financial support will be most appreciated. In reply, the Head of the Delegation reassured him of the commitment of the European Union to continue supporting the ICTR. He went on to express a strong interest in exploring further possibilities of providing funds in support of ICTR Legacy projects that will be developed in due course.

The Registrar later paid a courtesy call on the Rwanda Minister of Justice, Hon. Tharcisse Karugarama to whom he provided a full account on the judicial activities, the ICTR achievements such as its contribution to enhancing the capacity building process of the Rwandan judiciary as well as the challenges facing ICTR, particularly in the area of relocation of acquitted persons and released convicts. In his introductory statement, the Registrar reminded the Rwanda Minister about the close working relationship that was established between his Ministry and the Office of the ICTR Prosecutor where he served for 10 years in his previous capacity as Deputy Prosecutor.

The Registrar expressed the hope to get support from the Government of Rwanda in finding solutions to the issue of relocation of the acquitted persons and released convicts and their request for Rwandan travel documents, which were submitted to the Government some time ago. In his reply, the Minister of Justice congratulated the Registrar for his appointment and wished him all the best for the successful discharge of his mandate. He offered his full support to him. He however voiced a strong criticism against the recent Appeal Decision acquitting Mugiraneza and Mugenzi, against whom he



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### **... Registrar Undertakes Maiden Working Visit to Dar and Kigali**

claimed that there was an abundance of incriminating evidence and that the people of Rwanda felt betrayed by such a decision, which they could not understand.

Registrar also paid a courtesy call on the United Nations Resident Coordinator and UNDP Resident Representative, Mr. Lamin Momodou Manneh, who had organized at the venue of the UNDP Headquarters the meeting with the representatives of the United Nations Agencies and the Diplomatic Corps and appraised them on the latest developments at the ICTR.

The next day the Registrar began with an audience with the Acting President of the High Court, Judge Jean Marie Vianney Hitimana, and later met with the Chief Justice Honorable Samuel Rugege. The Chief Justice expressed appreciation for the support that the ICTR is providing. He cited as an example, the Video-Tele-Conference project that enhanced the efficiency of the judicial proceedings and particularly

with respect to the remote testimony of witnesses. The Chief Justice also touched upon the challenge of acquitted persons and released convicts as well as the programme of training for Rwandan Judges for which ICTR will continue to provide technical support as and when required in order to ensure that the introduced technology will significantly assist the judiciary system in Rwanda to save on time and financial resources in facilitating the testimony of several witnesses from away locations.

The Registrar also met with the Rwanda Prosecutor General, Mr. Martin Ngoga with whom they discussed matters of common interest between the Tribunal and Rwanda.

Finally the Registrar took time to visit the ICTR offices and facilities apart from addressing staff of the ICTR based there.

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## **ICTR Spokesperson Attends IBUKA Colloquium in Brussels**

As part of the 19th commemoration of the genocide, the Belgium chapter of the Rwandan survivors group, “IBUKA” invited the ICTR Spokesperson, Mr. Roland Amoussouga, to a colloquium on the team inventory of the post genocide justice in Rwanda and in the world. The colloquium was held on the 23 March 2013 in Brussels.

Mr. Amoussouga presented a paper on the multifaceted challenges that have faced the ICTR from its inception to date, and how the ICTR has overcome them. He also discussed the achievements that the ICTR has so far recorded which contributes to national reconciliation in Rwanda, maintenance of peace and security and in the prevention of genocide in the African continent.

While discussing the assessment of the ICTR’s current situation, before its expected closure in 2014, Mr. Amoussouga presented to the participants and the membership of IBUKA a holistic and comprehensive summary of the multifaceted achievements of the ICTR, to enhance the understanding of the integrity of the ICTR judicial proceedings. The colloquium also addressed issues relating to memory, justice and support to genocide survivors.

The colloquium was organized by IBUKA memory and justice (Belgium) in collaboration with IBUKA associations in Europe.



***Mr. Roland Amoussouga (right) addressing the participants, in the middle, the Moderator Mr. Alain Ngirinishuti, on the left, Mr. Emmanuel Usabayezu, Secretary General of IBUKA—Mémoire—Justice, asbl, Belgium***





## ICTR Participates in Genocide Commemoration Event in Dar es Salaam

The United Nations International Criminal Tribunal for Rwanda on 7 April 2013 joined thousands of Dar es Salaam based diplomats, scholars, students, Government and non-Government officials, journalists and members of the public to mark the 19<sup>th</sup> anniversary of the Rwanda genocide at a rally and ceremony held at the Mlimani City Conference Centre.

The event was graced by Hon. Salim Ahmed Salim, former Secretary-General of the Organisation of African Union (OAU) who was guest of honour, Hon. Jama Gulaid, UNICEF Country Representative and Acting UN Resident Coordinator, H.E. Benjamin Rukangazi, the Rwanda High Commissioner to Tanzania and several Ambassadors and High Commissioners to Tanzania.

The ICTR delegation led by Mr. Roland Amoussouga, Chief of External Relations and Strategic Planning organised an exhibition on the work of the ICTR apart from distributing public documents and films on the same.

In his speech Dr. Salim pointed out that following the tragedy of Rwanda the task of preventing genocide was a collective responsibility resting on everybody's shoulders. "The international community has to continue to watch out for any signs of potential problems leading to genocide anywhere. We must constantly remind ourselves and our governments about the need to adhere to the letter and spirit of the United Nations Resolutions in preventing genocide," he urged.



*Students from the Heritage Secondary School in Dar es Salaam take part in the genocide memorial ceremony.*



*The Guest of Honour Dr. Salim Ahmed Salim (second right) flanked by the Rwanda High Commissioner to Tanzania H.E. Benjamin Rukangazi (third left), Mr. Roland Amoussouga (first left) and other senior government and army officials receiving the rally at the Mlimani City Center.*

Speaking during the same occasion Mr. Amoussouga detailed the challenges and achievements registered by the ICTR during its 19 years of operation. He also highlighted on the current operations being undertaken by the Tribunal during this final phase of implementing its completion strategy. In conclusion Mr. Amoussouga stated: "One may proudly say that the ICTR has given voice to thousands of victims and has helped contribute to a process of reconciliation and rebuilding Rwanda as well as in the promotion of peace and security in the African Great Lakes Region. While it did not manage to arrest all those indicted, through the referral to Rwanda of six fugitive cases and handing over of responsibility for tracking of the remaining three top-level fugitives to the Mechanism, ICTR is signalling that the fight against impunity will continue unabated."

The event was preceded by a huge rally involving students, members of the diplomatic corps, Government officials, and the public.





## ICTR Marks the International Women's Day in Arusha

The United Nations International Criminal Tribunal for Rwanda marked the International Women's Day which falls on 8 March with special events during that week in Arusha. The commemoration was organized in collaboration with the Mechanism for International Criminal Tribunals (MICT). The theme of this year's International Women's Day was *Passing the Baton from Women to Girls*.

Celebrations began on 7 March 2013 with the visit of the Danish Prime Minister, Her Excellency Ms. Helle Thorning-Schmidt to the Arusha International Conference Centre (AICC), where the ICTR and MICT Offices are located. During her visit, Her Excellency met with the FARAJA Women's Network Group, a non-profit organisation, directly supported by Her Excellency, that works towards empowering survivors of gender based violence.

On 8 March 2013, a program was organized for staff members and local students, at which a debate involving two national secondary school students was held on the topic, *Women Will Make Better Presidents For A Better World – True or False?* The teams, who were judged by staff members from both the MICT and the ICTR, were comprised of four boys for the Opposing team and four girls for the Proposing Team. In the spirit of comradery, all participants of the debate received Gift Vouchers to a local bookstore.

Saturday, 9 March 2013, featured a Family Fun and Health Outreach day. Participating students congregated at the AICC building in the morning, and together walked seven kilometres to the venue where the



*Student participants to the rally marking the International Women's Day.*

rest of the day's activities were held. In addition to various fun activities for staff members and their children, highlights of the day included a health awareness program for 250 secondary school girls from four national schools where sanitary towels were distributed following a lecture delivered by a Tanzanian Health Education teacher, and a soccer tournament for the participating girls. Winning teams of competitions received awards for their performance, with the winning team of the soccer tournament walking away with a Trophy and additional gifts provided by local sponsors.

The ICTR Library continued to raise awareness of women's issues throughout the month of March in its exhibition of a selection of books on issues around domestic violence, sexual exploitation and abuse, as well as empowerment.

