



ICTR Newsletter

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PRESIDENT VAGN JOENSEN'S & PROSECUTOR JUSTICE HASSAN B. JALLOW'S ADDRESS TO UNITED NATIONS SECURITY COUNCIL

President Joensen's address

I would like to begin by extending my sincere congratulations to the distinguished representative of the Russian Federation who presides over the Security Council in June. I would also like to thank and congratulate the distinguished representative of Chile for assuming the role of Chair of the Informal Working Group for International Tribunals. I wish your Excellencies all the best for successful tours of duty. I would also like to take this opportunity to renew my thanks to the Office of the Legal Counsel for the work over the past six months in continuing to act as the very able and neutral interlocutor between the Tribunals and the

(Continued on page 2)

Justice Hassan B. Jallow's Statement

This reporting session for the ad hoc International Criminal Tribunals falls shortly after the recent commemoration by the Security Council and the world at large of the 20th anniversary of the 1994 Rwandan Genocide against the Tutsis.

On 7th April 2014, the UN Secretary-General, together with Heads of State and Government, ambassadors and other representatives of member states and the principals of the ICTR and the MICT joined the people of Rwanda in Kigali to commemorate the 20th anniversary of the genocide in a solemn ceremony presided over by His Excellency the President of Rwanda. The ICTR and the

(Continued on page 4)

EACH EXPERIENCE IS UNIQUE

It has been 20 years now since our tribunal started operating. Most of us joined the Institution few years after its inception; be it in Arusha, Kigali or The Hague. We found a rich, diverse and smooth working environment with dedicated colleagues to welcome us. During all these years we spent most of our time at the office exchanging views, discussing ways to better serve the ICTR. We met in the corridors, in offices, during meetings and sometimes we shared a coffee at the cafeteria. All this has led to the enrichment of our knowledge and the deepening of our understanding of the Organization. Each of us, in his or her capacity, has contributed to the edification of this place of excellence. Every year some of us leave said place to explore new horizons while staying members of the ICTR family. Now time has come to share this immense background gathered from our interactions on a daily, weekly, monthly and yearly basis while fulfilling our duties. These experiences are valued and ought to be heard. We are keen to learn from them. The columns of ICTR NEWSLETTER are the ideal platform at your service to do so, knowing that we will all benefit. Each experience is unique. /.. **Bocar Sy Chief Editor**

(Continued from page 1)

Security Council.
It is, as always a great honour for me to address the distinguished members of this Council and present to you the current update on the progress being made towards the completion of the ICTR's work. I wish to express the gratitude of the entire Tribunal to all governments of this esteemed Council for your continued support as we approach the conclusion of two decades of judicial work.

Excellencies, I am happy to report that the Tribunal's judicial workload, which has been for some time only in the Appeals Chamber, remains on schedule since the last report. The Appeals Chamber has delivered two judgments concerning four persons and heard appeals in three cases concerning four persons during the six month period since my last report in December 2013. Appellate proceedings have now been concluded with respect of 50 persons, and the Appeals Chamber is expected to render a judgment with respect to the sole remaining accused in the *Ndindiliyimana et al.* or "Military II" case in June 2014, while three other appeal judgments concerning four persons are projected to be delivered in September 2014. This leaves only the *Nyiramasuhuko et. al.* or, "Butare" case, concerning six persons, in which the appeal remains scheduled to be heard before the end of 2014, with the judgment remaining projected for completion not before the end of July 2015.

As I have previously reported, the projection for delivery of the Appeal Judgment in the Butare case reflects the delays in the briefing schedule, the fact that the scope of the appeals in this case has expanded since the initial notices of appeal, and the very voluminous and complex pre-appeal litigation. I remain in contact with the Presiding Judge on the Butare appeal, and I am happy to report that additional resources allocated to this case have helped to prevent additional delays which could have otherwise occurred due to the continued volume of pre-appeal litigation. The Registrar and I continue to work closely with the Presiding Judge on Butare to try to ensure that the Judgment in our final case is delivered without any further delays.

I feel that it is incumbent upon me at this time to bring to your attention, as I have in the past, the tireless work and dedication of the Appeals Judges and support staff of the Appeals Chamber who have again during this reporting period worked within very tight deadlines to ensure that the Tribunal's work remains on schedule. As you are well aware, however, the Tribunal is more than just its judicial component, and I



PRESIDENT VAN JOENSEN AND UN SECRETARY GENERAL BAN-KI-MOON

would therefore be remiss if I did not also thank all of the current and former ICTR staff outside of the judicial teams as well. Their contributions to international justice have helped us reach the stage we are at today and will not soon be forgotten. As we look back at almost 20 years of work, it is clear that the staff of the Tribunal, some of whom have committed large parts of their working lives to the Tribunal, represent a significant part of the legacy of the ICTR and what it will leave behind for posterity.

I now turn to the issue of relocating the acquitted and convicted released persons still residing in Arusha. I note that during the reporting period the number of acquitted persons has increased from 7 to 9 following the acquittal of two individuals in the *Ndindiliyimana et al.* case in February and the number of convicted released persons rose from 2 to 3 following the release of Innocent Sagahutu in the time since our written report was filed on 5 May. Mr. Sagahutu was released following a reduction in his sentence by the Appeals Chamber in February and was eligible for consideration for early release, which he was granted on 9 May 2014.

The issue of relocating the now 12 individuals currently residing in Arusha has been brought to this Council's attention on numerous occasions and is an issue that I continue to believe represents a serious challenge to the credibility of the enforcement of international criminal justice. Despite numerous Security Council Resolutions calling upon Member States to assist the ICTR in its relocation efforts, all attempts made by the ICTR to relocate the remaining individuals have proven unsuccessful.

Since the last report to the Council and consistent with

(Continued on page 3)

(Continued from page 2)

the framework of the Strategic Plan submitted to the Security Council's Informal Working Group on International Tribunals last year, the Registrar and I met with representatives from European countries and the Registrar visited countries in Africa and held discussions with the African Group and the Chairperson of the African Union Commission in Addis Ababa to present the idea of relocation of one or more acquitted or released persons. Unfortunately, as more time passes without positive results, it becomes less likely that these individuals will be relocated before the ICTR closes, and, as such, the Tribunal must once again call for the urgent assistance from the Security Council to find a sustainable solution to this issue.

I would next like to update the Members of this esteemed Council on the progress regarding the issue of reparations for victims of the Genocide. I am pleased to announce that, following a request from victims associations and initial discussions between my office and the International Organisation for Migration (IOM) that I explained in my last report to this Council, IOM has secured funding through a generous donation by the Government of Finland to undertake an Assessment Study on how the issue of victims' reparations could be taken forward. In February, IOM and my office held very promising initial meetings with key stakeholders in Rwanda, including the Rwandan Government, victims and survivors associations, and civil society. Further consultations and preparations for the next stage of the project are expected to begin shortly following the conclusion last week of a formal



memorandum of understanding between IOM and the Rwandan Government.

Excellencies, I will now provide you with an overview of the progress that has been made with respect to the transition to the Mechanism pursuant to Security Council Resolution 1966. The administration of the monitoring of all ICTR cases referred to national jurisdictions has, during the reporting period, become fully the responsibility of the Mechanism. However, ICTR staff members continue to assist the Mecha-

nism as interim monitors pending the finalisation of the Mechanism's arrangements with an international organisation or body to monitor all of the referred cases.

In accordance with Article 27 of its Statute, the Mechanism is responsible for the management of the archives for both Tribunals. The ICTR continues to work in close cooperation with the Mechanism to ensure that the records are prepared in a manner that will facilitate their effective management by the Mechanism after transfer. I am happy to report that as of 5 May 2014 the Tribunal has transferred to the Mechanism a total of approximately 630 linear meters of records with long-term to permanent retention value, out of an estimated total of 2,621 linear meters of records that are being appraised for transfer by the end of the ICTR mandate. After the great deal of work done on assessing records in the past six months, additional records will be ready for transfer to the Mechanism during the coming months. However, records still in active use, including records related to the Butare case, will remain the responsibility of the ICTR and will only be transferred once they are no longer in use. The Tribunal remains hopeful that the preparation and transfer of its records will be completed prior to its closure.

I would like to conclude by recalling that, since April, Rwanda has been marking the 20th commemoration and honouring the victims of the 1994 Genocide. Overwhelmingly the victims of the atrocities in 1994 were Tutsi, against whom the ICTR has stated as a fact of common knowledge beyond dispute that a genocide was committed; but they were also Twa, moderate Hutu and others who stood in opposition to the genocidal campaign, all of whom suffered the same tragic fate as their Tutsi brothers and sisters. Very fitting efforts to honour the victims of the Genocide have already taken place, and further efforts are being planned to continue the commemoration for all of the victims of the Genocide.

In April, representatives from the ICTR including myself, the Prosecutor and the Registrar participated in commemoration events in Kigali, Arusha, and Dar es Salaam. These events very fittingly reminded the world of those 100 dark days that took the lives of more than 800,000 people, and also of the resiliency of a country whose determination to rebuild a society after unspeakable devastation represents a monumental achievement that will not soon be forgotten.

Rwanda's achievements over the past 20 years are quite impressive, including the creation of a stable and functioning government whose commitment to national reconciliation and strengthening of the rule of law can be seen through, as one example, its vigorous efforts to rebuild its justice system. The development of Rwanda's judicial system, including holding accountable those who participated in the atrocities in 1994, remains a crucial part of the peace and recon-

(Continued on page 4)

(Continued from page 3)

ciliation process in Rwanda and there can be no question that the ICTR has played an important role as an accountability mechanism. It is a testament to Rwanda's dedication to accountability that as the Tribunal draws near to closure, Rwanda is now in the process of trying two cases referred by the ICTR and has taken over responsibility for six of the remaining fugitives. As Rwanda and other countries continue to work to hold those responsible for international crimes accountable, it is clear that the jurisprudential legacy of the ICTR will live on until, as Secretary-General Ban Ki-moon appropriately put it, "genocide is consigned, once and for all, to history". /..

As we look ahead, it is also important to note that 8 November 2014 will mark 20 years since this esteemed Council saw fit, initially at the request of Rwanda, to create this international Tribunal. We hope that the international community will use this

occasion as an opportunity to mark Rwanda's achievements, as well as to further study the lessons learnt from what was only an experiment in international justice in 1994. This great experiment has faced some adversity over the years, but it has also proven to be an integral part of the evolution of post-conflict justice. We plan to recall all of the Tribunal's achievements and challenges through a series of international events surrounding the 8 November anniversary. We sincerely hope that the international community will fully engage in and support these efforts.

Excellencies, it remains my distinct honour to address this Council once more and on behalf of the Tribunal, I wish to express our gratitude for the support your governments have shown us throughout the past two decades. Continued assistance from Member States is crucial to the efforts that we are making to ensure that the Tribunal can close its doors with its mandate completed and its legacy secured. /..

Justice Hassan B. Jallow's Statement

(Continued from page 1)

MICT also held a joint session in Arusha, Tanzania on 10th April to commemorate the occasion. On 16th April 2014, Council, at its 7155th meeting, stood in solidarity with the people of Rwanda in solemn remembrance of one of the greatest human tragedies of the 20th century.

We at the ICTR and the MICT share the Council members' expressions of remorse at the occurrence of this tragedy and commend its unflinching support for justice and accountability as well as its commitment to give reality to 'Never Again'. The tragedy of Rwanda in 1994 highlights very seriously the need for effective measures to prevent mass atrocities and for timely and effective steps by the international community to protect communities that are under threat of such atrocities.

We hope that the role of the ICTR in the process of post-genocide justice and reconciliation in Rwanda has also provided a basis for effective accountability for such crimes as well as further strengthening of the international community's resolve to ensure that such atrocities are indeed never again allowed to occur. The ICTR which will also commemorate its 20th anniversary in November this year is honoured to have been part of the international community's programme to ensure accountability for the crimes committed during those dark days in Rwanda and to restore peace and reconciliation in that community. In the course of its mandate, the ICTR has indicted 93 leading figures of whom: 61 were convicted for genocide, crimes against humanity or war crimes; 14 were acquitted at trial or on appeal; 2 indictments were withdrawn prior to trial; 3 accused died prior to or during trial; and 10 have had their cases referred to national jurisdictions for trial. Of the 10 referred to national jurisdictions, 6

remain at large. A further 3 fugitives are reserved for trial at the Mechanism.

The process of justice and accountability has not, it must be acknowledged, been exclusively the preserve of the international system. Rwanda, through both its conventional and traditional Gacaca courts has undertaken the prosecution of the bulk of perpetrators of the



genocide and contributed significantly to the restoration of peace and to the reconciliation of the community. Several other countries - in Europe and the Americas particularly - have also contributed to this process by undertaking local prosecution of genocide suspects, extraditions or deportations of suspects or acceptance of cases on referral from the ICTR. The process of accountability has been a truly global effort. Underpinning it all is the sacrifice of thousands of victims and survivors who have come forward and testified before the courts, reliving their bitter experiences in order to help the courts establish the truth and render justice. To all these States and to the witnesses, we

(Continued on page 5)



(Continued from page 4)
owe a debt of gratitude.

As we commemorate the 20th Anniversary of this tragic event, prepare for the imminent closure of the ICTR and the complete takeover of its functions by the Mechanism, we need to recognize, despite many achievements, that much remains to be done to bring the process of legal accountability to a proper end. Member states need to cooperate with and support the Mechanism and Rwanda to ensure that the nine remaining fugitives are arrested and transferred to the appropriate jurisdiction for trial; the many persons suspected of involvement in the genocide who could not be indicted by the tribunal need to be extradited to Rwanda for trial or prosecuted by the states where they reside; witnesses who require protection need to be secured against those seeking to subvert the process of justice; those who have been acquitted or have finished serving sentences need to be assisted with resettlement. These are all matters in which only member states can provide solutions. We look up to their full cooperation in these respects.

ICTR OTP

Turning to the work of the ICTR during this reporting period, I am pleased to report that with the completion of the oral arguments on appeal in the Ildephonse Nizeyimana and the Callixte Nzabonimana cases on April 28 and 29, 2014, the Tribunal's remaining appellate workload continues to be reduced and is on track to timely completion. Earlier in this reporting period, the Appeal Chamber also completed the hearing of oral arguments in the Édouard Karemera and Matthieu Ndirumapatse appeals in February 2014 at which appeal session it also delivered judgement against three accused in the Ndindiliyimana et al appeal. Prior to that, judgement in the Grégoire Ndahimana case was delivered on 16th December 2013.

Judgement is now awaited in the case of Augustin Bizimungu, whose appeal was severed from the other Military II accused, as well as in the Nizeyimana and Nzabonimana cases. Oral argument in the ICTR's last appeal—the six-accused Butare case—has not yet been scheduled, but OTP staff are actively litigating a large number of post-trial motions and preparing for final submissions in this case.

Alongside its appellate work, OTP staff remain actively engaged with completion of the remaining critical activities, including updating all records of past disclosure for a smooth transition to the Mechanism. Archiving of OTP records continues apace and with the commissioning of the OTP archives store mentioned in my last report, more records are positioned for transfer to the Mechanism archives. In this reporting period a further 225 boxes in respect of 5 cases were handed over to the archives. The processing,

appraisal and security classification of all OTP records continues.

ICTR-OTP staff also continue to assist MICT-OTP staff in a double-hatting capacity whenever required, particularly in connection with the monitoring of referred cases as well as preparations for oral arguments in the Augustin Ndirabatware case.

The OTP's residual work, especially around good practice experiences and manuals continues to attract interest from research as well as practitioner quarters particularly in the efforts to meet the challenges of Transitional Justice. Our cooperation with other UN agencies in this regard has been most useful. The OTP Manual on Investigation and Prosecution of Sexual Violence was launched at an international workshop I hosted in Kampala on 30-31 January 2014 and is now available to all States. A series of regional training events are being planned on this subject for later this year. I am happy to report that UN Women has played and continues to play an important role in these activities.

MICT OTP – Residual Mechanism

Turning to the activities of the MICT, I am pleased to inform the Council that with the completion of recruitment of core staff of the OTP in both Arusha and The Hague, the work of the two branches as well as inter-branch coordination is progressing well.

At the Arusha Branch creation of a roster of potential staff for recruitment in the event of an arrest of a fugitive is in progress.

To enhance further cooperation in the tracking and arrest of the three (3) fugitives, Felicien Kabuga, Prottais Mpiranya and Augustin Bizimana, I have in the reporting period visited several countries in the SADC and Great Lakes region and held high level and productive consultations with Ministers of government as well as senior security officials. I am pleased to report that the Mechanism has been assured effective cooperation in pursuance of my requests. Further visits to more countries in the region are planned before the end of the year. It is my hope that with increased cooperation between member states and my staff on the ground, the tracking and arrest of the fugitives will be accelerated and yield positive results. This will continue to be a top priority for the Mechanism and so should it be for member states as well.

The MICT-OTP continues to receive a steady stream of requests for assistance and in the current reporting period 51 requests from 10 countries were responded to.

Monitors appointed by my office continue to monitor the cases of the two (2) indictees [Jean Uwinkindi and Bernard Munyagishari] referred to Rwanda in 2012 and 2013 respectively and those of Bucyibaruta and Munyeshaka referred to France in 2007. The trial

(Continued on page 6)



(Continued from page 5)

of Jean Uwinkindi was scheduled to commence 14 May 2014 with testimony from witnesses located in Rwanda. Meanwhile, pre-trial proceedings in the case of Bernard Munyagishari are ongoing and no firm trial date has yet been scheduled. My recent consultations with French judicial authorities also disclose significant progress in the management of the two cases in France.

The oral arguments in the Ngirabatware case, the only appeal pending from the Arusha Branch, are tentatively scheduled for 30 June 2014.

The MICT-OTP Hague Branch has, in addition to establishing itself to its full capacity, been active in the reporting period. The advance ad hoc appeals team has been set up. The Hague Branch works closely with the ICTY OTP and makes use of double-hatting arrangements to prepare for future appeals in the MICT and to make efficient use of resources.

Regarding judicial activities I am pleased to report that the briefing of a request for review of the ICTY judgement against Milan Lukić has been completed. The Hague Branch has responded to nine (9) applications for variation of protective measures from national judicial authorities in relation to more than 30 ICTY witnesses. The Hague Branch has provided information to the Registrar regarding the enforcement of sentences in relation to five persons convicted by the ICTY.

Cooperation with national juridical authorities is going well. There has been an unforeseen increase in the number of requests for assistance received by the Hague Branch. A temporary position has been created to manage resulting backlogs. Since my last report, the Hague Branch has responded to 121 requests for assistance primarily from prosecutors from the former Yugoslavia. The Hague Branch works closely with the liaison Prosecutors from Bosnian and Herzegovina, Croatia and Serbia placed at the ICTY OTP. My office is, also in the process of negotiating additional Memoranda of Understanding with respective state prosecutors in the region to entrench cooperation and mutual legal assistance and ensure smooth continuity as the MICT-OTP takes over mutual assistance and cooperation responsibilities of the ICTY-OTP.

Further, my office recently had the pleasure of participating in the annual regional conference of prosecutors from the former Yugoslavia held in Brijuni, Croatia.

Mr. President, Your Excellencies,

I am confident that the ICTR remains on track for timely completion and closure of its remaining appellate work with the conclusion of all cases save the Butare appeal by the end of 2014.

We therefore consider 2014 a fitting year to organize,

as we plan to do, subject to voluntary contributions from member states two critical components of the ICTR legacy programme. The 7th Colloquium of International Prosecutors which will seek to identify the challenges and prospects for national prosecution of international crimes and the lessons that the work of the tribunals can offer in this regard. This Colloquium will be complemented by an international Symposium on the contribution of the ICTR to international justice, peace and reconciliation. We look forward very much to the support of member states to make these events possible.

Finally allow me, Mr. President to acknowledge with appreciation this Council's resolution 2150 of 2014 calling for urgent and active support of member states, especially in the Great Lakes Region, to realistically show their commitment to the fight against impunity by supporting the Mechanism in tracking and arresting the few outstanding fugitives slated for trial in Arusha and in Rwanda. This remains the biggest challenge not only for the tribunal but also for the cause of international justice and accountability.

Thanks you for your attention./..

UN Secretary-General Meets ICTR Principals

As part on his ongoing support to the ad hoc Tribunals, the Secretary-General of the United Nations met the President, the Prosecutor and the Registrar of the ICTR on Tuesday, 3 June 2014. Other high level officials from his office also attended the meeting where the ICTR Principals had the privilege to brief the Secretary-General on progress in the implementation of the Completion Strategy of the Tribunal. Although, the Tribunal will not complete all its work by the end of 2014, the Principals gave the Secretary-General 30 September 2015 as the firm date earmarked for the final closure of the ICTR. They also highlighted some of the challenges that the ICTR is facing, including the problem of the relocation of persons who were acquitted by the Tribunal as well as problems of attrition of staff. The ICTR Principals also appealed to the UN Secretary-General for support with regard to the absorption of ICTR staff members into the Secretariat. The UN Secretary-General expressed appreciation for the briefing and the great job that the Management and staff of the ICTR were doing to ensure the full implementation of Security Council Resolution 1966 (2010).

The ICTR Principals were in New York to present the June 2014 report to the Security Council on the implementation of the Completion Strategy of the Tribunal. During this trip, they also held several other high-level meetings with representatives of Member States in order to secure their support to the ICTR especially at this crucial stage if its existence./..

THE GLOBAL SUMMIT TO END SEXUAL VIOLENCE IN CONFLICT



Participants at the Global summit to end sexual violence in conflict

From 10 to 13 June the President of the ICTR, Judge Vagn Joensen and the Prosecutor of the ICTR/MICT, Hassan B. Jallow attended the Global Summit to End Sexual Violence in Conflict hosted by the UK's Foreign Secretary, William Hague, and Angelina Jolie, Special Envoy for the UN High Commissioner for Refugees, in London

The Summit was co-hosted by the British Foreign Secretary William Hague and the Special Envoy of the UN High Commissioner for Refugees, Angelina Jolie.

The Global Summit to End Sexual Violence in Conflict was the largest gathering ever organized on the subject, with 1,700 delegates and 129 country delegations including 79 Ministers.

The Summit sought to develop consensus on practical steps to end the use of rape as a weapon of war, and to change global attitudes to these crimes.

The President addressed an audience of subject matter experts at the Experts' Day workshop on reparations for victims. The President spoke about the progress being made in providing reparations for victims and survivors of the 1994 genocide in Rwanda.

In addition to the discussion on reparations, the President, at the Ministers' Day workshop, participated in a dialogue with foreign ministers on prosecuting sexual violence in conflict.

The President emphasised that there seemed to be general acceptance at the conference of the guidelines proposed by the UK Government for the prosecution of sexual violence in conflict. The challenge, therefore, is to convince decision makers at local levels to adhere to these guidelines. With respect to some circles in Africa, there might be a psychological barrier to overcome if the guidelines are presented as a foreign product.

It is, therefore, important to emphasise that the guidelines are to a large extent based on the practices and jurisprudence developed by a court based in Africa, namely the ICTR, and the joint ICTR/ICTY Appeals Chamber, and to a very large extent with the involvement of African Judges, Prosecutors and administrators.

The President, further, noted that there are also good neighbour examples from Africa to refer to when it comes to the prosecution of sexual violence, in particular Rwanda. He pointed out that Rwanda has insisted on holding to account the perpetrators of Genocide, where sexual crimes were rampant, creating the Gacaca system when seized with an overwhelming number of cases which no ordinary legal system would be able to handle, let alone a country whose institutions were in ruins after the Genocide and the Civil War.

At the same time Rwanda has over a short period implemented a judicial reform which now has allowed the country to dismantle the Gacaca system. In the prosecution of genocidal crimes Rwanda has put emphasis on the crimes of torture, rape and other sexual crimes, placing them in the category of the most serious genocidal crimes.

Finally the President reminded that Rwanda also provides another good neighbour example for other countries to follow in a field which has been marred with incidents of sexual misconduct, namely international peace keeping. Thus, the Rwandans have a reputation for being among the most efficient and disciplined international peace keepers. /...



Addressing the audience of the Conference – Prosecuting Sexual Violence in Conflict, how to Ensure Successful Prosecution: Lessons Learnt and Strategies for the Future – Justice Jallow declared:

(...)

Our Tribunal was the first to recognize that rape and other forms of sexual violence could constitute acts of genocide, crimes against humanity and war crimes, in the landmark decision, *Akayesu*. In *Gacumbitsi*, whilst confirming that non-consent is an element of rape, the Tribunal made clear that in most cases where rape is charged as a crime against humanity the circumstances “will be almost universally coercive. That is to say, true consent will not be possible”. The Tribunal was also the first to convict a woman, Pauline Nyiramasuhuko, the former minister of family and women’s development, of rape as a crime against humanity, for her role in terrorizing the very people she was charged with protecting.(...) It must also be said, however, that the Office of the Prosecutor has struggled at times to prosecute sexual violence effectively. Since its inception 93 persons have been indicted by the Tribunal. Of these 52 have been charged with rape or other crimes of sexual violence, and 43 of these have proceeded to trial at the Tribunal.

Of the 43 that have proceeded to trial: Only 13 have been convicted of these crimes, with several appeals still pending. 23 have been acquitted, with one appeal still pending, charges in the remaining 6 cases have been dropped as part of plea negotiations or through amendment of the indictments.

It was these mixed results that prompted me in 2007 to establish a committee to review the OTP’s handling of sexual violence cases. The Committee produced 2 draft manuals which were reviewed by over 100 national and international experts - judges, prosecutors, defence counsel, NGOs and civil society groups - at the OTP’s conference in Kigali 2012. The final best practices manual – which was formally launched in Kampala in January this year – is the result of this collective effort.

My office is building on this work with committed national authorities and other stakeholders to conduct a regional training program in the Great Lakes Region, which is to begin later this month. In our manual we discuss in some detail the challenges the OTP faced when prosecuting the sexual violence that occurred during the genocide. (...)

Seizing the opportunity podium of the Conference, Prosecutor of ICTR and the MICT urged all member states responsible for ensuring the prosecution of these crimes under their international and humanitarian obligations, to make resources available for this

purpose. In the case of poorer states who may struggle to do so, he insisted that we must as an international community commit to providing the resources, expertise and other assistance required.

He pin-pointed that “...of course, any strategy to combat sexual violence needs to recognize that sexual violence may be committed against anyone, male or female, young or old, rich or poor. It also needs to be designed having regard to the structure of legal services in a particular jurisdiction, the resources available and the means for ensuring sustainability of these resources in the long term.

(...) “the methodologies for conducting investigations to ensure those most responsible are held accountable; the alternative forms of evidence that might be used in place of *viva voce* evidence from a victim; the very important role prosecutors play in preparing victims to give evidence in the court room; and the need to educate all those involved in the judicial process – prosecutors, defence lawyers, and judges – about the impact of sexual violence.

(...)

The ICTR’s closure and the anticipated completion of work by other *ad hoc* international tribunals and courts marks a significant turning point in international justice. It reflects the growing consensus that primary responsibility for the investigation and prosecution of international crimes must rest with national authorities.” (...)

He concluded his statement by a strong appeal to the international community and the audience: “With the concerted effort of international and national actors, together we can eradicate sexual violence. All of us gathered here today have played and will continue to play an important role in making this goal a reality. I am eager to hear your thoughts and consider your views on how the lessons learned by the ICTR and others at both the national and international levels can best be shared as an essential first step towards ensuring a world without sexual violence.” //...

Each experience is unique

Your contribution to this newsletter can be made in English, French or Kinyarwanda.



The Appeals Chamber Hears Oral Arguments in the Nizeyimana Case

During the relevant events, Nizeyimana held the rank of captain at the military training school, the École des Sous-Officiers in Butare, as well as S2 officer, charged with military intelligence, and S3 officer, responsible for training and operations at the training school.

The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Theodor Meron, presiding, Judge William H. Sekule, Judge Mehmet Güney, Judge Liu Daqun, and Judge Arlette Ramarosan, heard yesterday the oral arguments in the appeals lodged by Ildéphonse Nizeyimana and the Prosecution against the Judgement pronounced by Trial Chamber III on 19 June 2012 and filed in writing on 22 June 2012.

The Trial Chamber found Nizeyimana guilty of committing, through his participation in a joint criminal enterprise, the killing of the Ruhutinyanya family, the attack on the Cyahinda Parish, the killing of the former Queen of Rwanda, Rosalie Gicanda, and others taken from her home, the killing of Pierre Claver Karenzi, and the killing of those taken from the Matabaro and Nyirinkwaya households. It also found him responsible for ordering the killings of Remy Rwekaza and Beata Uwambaye, and the serious bodily and mental harm caused to Witness ZAV. The Trial Chamber entered convictions for genocide, extermination and murder as crimes against humanity, and murder as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II. Nizeyimana was sentenced to a single term of life imprisonment.

Nizeyimana contends that the Trial Chamber committed a number of errors of law and fact and requests that the Appeals Chamber quash his convictions and acquit him or, alternatively, reduce his sentence. The Prosecution argues that the Trial Chamber erred in law and fact in acquitting Nizeyimana in relation to the crimes committed at Butare University Hospital and Butare University and seeks his conviction as a superior for these crimes./.

The Appeals Chamber Hears Oral Arguments in the Nzabonimana Case

The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Mehmet Güney, presiding, Judge William H. Sekule, Judge Arlette Ramarosan, Judge Khalida Rachid Khan, and Judge Koffi Kumelio A. Afande, heard today oral arguments regarding the appeals by Callixte Nzabonimana and the Prosecution against the Judgement rendered by Trial Chamber III of the Tribunal on 31 May 2012.

The Trial Chamber found that Nzabonimana instigated genocide and extermination as a crime against humanity at Cyayi centre on 14 April 1994 resulting

in the killings of Tutsis at Nyabikenke commune office on 15 April 1994. Nzabonimana was also convicted of conspiracy to commit genocide based on two agreements to commit genocide in Gitarama préfecture. Further, the Trial Chamber found him guilty of direct and public incitement to commit genocide based on his speeches at Butare trading centre on 12 April 1994, Cyayi centre on 14 April 1994, and at Murambi training centre on 18 April 1994. Nzabonimana was sentenced to a single term of life imprisonment.

Nzabonimana contends that the Trial Chamber committed a number of errors of law and fact and requests that the Appeals Chamber overturn his convictions and acquit him on all counts or reduce his sentence. The Prosecution argues that the Trial Chamber erred in not convicting Nzabonimana on the basis of: (i) committing or ordering genocide and extermination as a crime against humanity for the killings at the Nyabikenke commune office on 15 April 1994; and (ii) aiding and abetting genocide for the killing of Tutsis in Rutobwe commune through the forcible release of prisoners.

Nzabonimana was born in Kavumu secteur, Nyabikenke commune, Gitarama préfecture, Rwanda. He served as the Rwandan Minister of Youth and Associative Movements from 8 April 1994 to mid-July 1994 and as the Chairman of the Mouvement républicain national pour la démocratie et le développement in Gitarama préfecture during the events./.

Activity of the Appeals Chamber: May-June 2014

During May and June 2014, the Appeals Chamber delivered one Judgement concerning one person and issued two preliminary decisions or orders.

The Appeals Chamber is presently seized of four cases involving appeals from judgement concerning ten 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). On 30 June 2014, the Appeals Chamber delivered its Judgement concerning A. Bizimungu.

The Trial Judgement in the Karemera & Ndirumpatse case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties filed

(Continued on page 10)

Appeals Chamber Delivers Judgment in the Bizimungu Case

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, today delivered its judgment on the appeals lodged by Augustin Bizimungu and the Prosecution.

On 17 May 2011, Trial Chamber II convicted Bizimungu of genocide, extermination, murder, and rape as crimes against humanity, and murder and rape as serious violations of Article 3 common to the Geneva Conventions and of Additional Protocol II based on attacks in Rwankeri Sector in Ruhengeri Prefecture, the Josephite Brothers compound in Kigali Prefecture, the École des sciences infirmières de Kabgayi, the TRAFIPRO Centre, and the Musambira Commune office and dispensary in Gitarama Prefecture, the Cyangugu Prefecture Stadium, as well as the Butare Prefecture Office and Episcopal Church of Rwanda in Butare Prefecture in April, May, and June 1994. The Trial Chamber sentenced Bizimungu to 30 years of imprisonment.



Augustin Bizimungu. (Archives)

The Appeals Chamber affirmed, in part, Bizimungu's convictions for genocide, extermination, murder, and rape as crimes against humanity, and murder and rape as serious violations of Article 3 common to the Geneva Conventions and of Additional Protocol II in relation to the Josephite Brothers compound in Kigali Prefecture, the École des sciences infirmières de Kabgayi, the TRAFIPRO Centre, and the Musambira dispensary, and the Cyangugu Prefecture Stadium. However, the Appeals Chamber found that the Trial Chamber erred in its assessment of evidence of the killings in Rwankeri Sector, killings and rapes at the Butare Prefecture office and the EER, killings and rapes at Musambira Commune office and rapes at the Musambira dispensary and reversed his convictions

based on these events. The Appeals Chamber also reversed Bizimungu's convictions based on the Trial Chamber's finding that he exercised superior responsibility over Interahamwe. The Appeals Chamber, nonetheless, affirmed the sentence of 30 years of imprisonment in view of the serious nature of the remaining convictions.

Bizimungu was appointed the commander of military operations for Ruhengeri Sector in January 1994 and, on 16 April 1994, was promoted from colonel to the rank of major general and appointed Chief of Staff of the Rwandan army, a position he assumed on 19 April 1994. He was arrested in Angola on 2 August 2002. On 7 February 2014, the Appeals Chamber issued an order severing the case of Bizimungu from that of Augustin Nindiliyimana, François-Xavier Nzuwonemeye, and Innocent Sagahutu.

This judgment brings the total number of appeal judgments rendered by the Tribunal to 41, disposing of appeals concerning 51 persons. The remaining caseload of the ICTR Appeals Chamber consists of four cases which concern 10 persons./.

(Continued from page 9)

their notices of appeal in March 2012 and the briefing was completed in March 2013. The appeals were heard on 10 and 11 February 2014 and deliberations are 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 was completed in September 2013. The appeals were heard on 29 April 2014 and deliberations are 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 was completed in October 2013. The appeals were heard on 28 April 2014 and 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 was completed in October 2013. The appeals are being prepared for a hearing.

Summary

To date, the Appeals Chamber has delivered 41 Appeal Judgements, concluding the appellate proceedings in respect of 51 persons./...

ICTR Donates Medicines and Equipment to Arusha Regional Hospital

The Tribunal in May and June donated thousands of medicinal tablets and equipment including furniture to the Mount Meru Hospital, the Arusha Regional Hospital, the Arusha Regional Medical Officer Dr. Josiah Mlay at a short ceremony held at the ICTR head offices.



In the picture, on 7 May 2014, Dr. Sarah Kilemi, the ICTR Chief of the Division of Administration Support Services (left) is seen handing over one of the boxes of some of the medicine to the Arusha Regional Medical Officer Dr. Josiah Mlay (second right). Looking on is the ICTR Medical Officer Dr. Kabangu Mutamba (centre) and other senior officials from the Tribunal and the Mount Meru Hospital. (Picture by Lydia Kyai)

hospital, as part of its community outreach programmes in the region which has played host to the ICTR for the last 20 years.

On 7 May 2014 the Tribunal’s Chief of the Division of Administrative and Support Services Dr. Sarah Kilemi handed over some medicines include tablets of Calcium Lactate, Largactil, Piriton, Vasograin, Salbutamol, Vitamins and Warfarin to the Arusha Regional Medical Officer Dr. Josiah Mlay at a short ceremony held at the ICTR head offices.

Also donated during the event were Catheters, Oxygen Masks, Gloves, a Canon Scanner Image and a Printer Laser as well as some hospital furniture. Again on 18 June 2014 the Tribunal donated some more equipment to the Arusha Regional Medical Hospital under the same community relations outreach programme.

This time the equipment donated to alleviate shortages at the hospital included 109 chairs, bookshelves; steel cabinets; filing cabinets; bulletin boards; coffee trays; wardrobes; dining tables; and wooden cabinets.

Speaking during both handover ceremonies Dr. Sa-

Contents

President Vagn Joensen’s address to the United Nations Security Council.....	1, 2-3
Prosecutor Hassan B Jallow’s address To the United Nations Security Council	1, 4-6
Each experience is unique	1
The Global Summit to End Sexual Violence in Conflict	7-8
The Appeals Chamber Hears Oral Arguments in the Nizeyimana Case	9
The Appeals Chamber Hears Oral Arguments in the Nzabonimana Case	9
Activity of the Appeals Chamber	9
Appeals Chamber Delivers Judgment In the Bizimungu Case	10
ICTR Donates to Arusha Regional Hospital.....	11
.....	
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