



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda*

April 2008

## Message of the Secretary-General, Mr. Ban Ki-moon on the 14<sup>th</sup> Anniversary of the Genocide in Rwanda, 7 April 2008

Earlier this year I visited the Genocide Memorial in Kigali. The experience was as harrowing as my first visit to Rwanda two years earlier, and being there as Secretary-General of the United Nations carried even more profound meaning for me. It was impossible to pass through those halls and not be affected -- indeed, shaken to the core -- by what the Rwandan people endured.

On this 14th anniversary of the genocide, my thoughts again go out to the victims -- more than 800,000 innocent people who lost their lives. May they rest in peace. My thoughts go to the survivors. May their courage and resilience serve as an inspiration to all of us.

The United Nations has a moral duty to act on the lessons of Rwanda.



*Secretary-General Ban Ki-moon addresses a ceremony in observance of the fourteenth anniversary of the genocide in Rwanda, at UN Headquarters*

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That is why this day is also a call to bolster efforts to prevent another genocide. It is a cause I am resolved to pursue, in my time as UN Secretary-General and in the years beyond. I have created the full-time position of Special Adviser for the Prevention of Genocide, and appointed a Special Adviser with a focus on the responsibility to protect -- the obligation accepted by all States to act collectively, through the Security Council, when a population is threatened with genocide, ethnic cleansing, or crimes against humanity. I will spare no effort in working with Member States to translate this principle from word to deed.

I am equally determined to work for human rights everywhere -- to uphold them, protect them, defend them, ensure that they are a living reality. This year, to mark the sixtieth anniversary of the Universal Declaration of Human Rights, the

United Nations is pursuing a global awareness campaign to ensure that human rights are known, understood and enjoyed by everyone, everywhere. It is often those who most need their rights protected, who also need to be informed that the Declaration exists -- and that it exists for them.



*Secretary-General Ban Ki-moon meets children of Rwanda at the ceremony*

In all these endeavours, each one of us has a role to play: Governments, the media, civil society, and individuals. May the searing memory of the genocide in Rwanda always spur us on in our mission.



## ICTR Judicial Activities

### Judicial Calendar— 21-30 April 2008

Case	Bench	Prosecution	Defense (Lead Counsel only)	Party presenting case	Courtroom
<b>Karemera et al</b> E. Karemera M. Ngirumpatse J. Nzirodera	Judges Byron (Pres.), Kam, Joensen	D. Webster A. Franksan-Wallace I. Morley	D. Diagne C. Hounkpatin P. Robinson	Defence for Edouard Karemera (continued)	Laïty Kama
<b>Nyiramasuhuko et al.</b> E. Ndayambaje J. Kanyabashi P. Nyiramasuhuko A. Ntahobali S. Nsabimana A. Nteziryayo	Judges Sekule (Pres.), Ramoroso, Bossa	A. Whest H. Makwaia, A. Alexis-Windsor	P. Boulé M. Marchand N. Bergevin N. Marquis J. Kadji F. Pacere	Defense for Kanyabashi	CR II
<b>Bizimungu et al.</b> C. Bizimungu J. Mugenzi J-C. Bicamumpaka P. Mugiraneza	Judges Khan (Pres.), Muthoga, Short	P. Ng'arua I. Babajide J. Bwonwonga E. Bazawule S. Rajapaksa O. De Schutter W. Mubiru	M. St. Laurent B. Gumpert M. Croteau T. Moran	Defense for Mugiraneza (continued)	CR III
<b>OTHER</b>					
<b>Callixte Kalimanzira</b>	Judge Byron (pres)	C. Graham O. Jammeh S. Agaba K. Murukutla	A. Vercken A. Guisse	Status Conference 30 April	

### Other landmark facts for the Month of April 2008

After the Easter break, the Trial Chambers of the Tribunal resumed trial activity at full occupancy.

#### • Trial Chamber I

##### Ongoing case

The Chamber in the case of Hormisdas Nsengimana is currently in recess. The Defence case is scheduled to commence on 2 June 2008.

##### Cases where judgement delivery is awaited

##### ***Bagosora et al.***

Trial Chamber I is currently engaged in judgment drafting.

##### ***Renzaho***

The Chamber is engaged in the judgement drafting.

##### Cases where referral to a domestic jurisdiction is pending

##### ***Kanyarukiga***

The Chamber is currently deliberating on the Prosecution request for referral of the case to Rwanda.

#### • Trial Chamber II

##### Ongoing trials

##### ***Nyiramasuhuko et al.***

Between 22 and 28 April 2008, the Chamber heard the testimony of the last Defence witness for Ntahobali via video-link. On 28 April 2008, the Defence case for Ntahobali was closed. From 28 April 2008, the Chamber heard the 21<sup>st</sup> witness for Kanyabashi. However, the Chamber has to grant several adjournments in view of the health condition of the witness.

Over the same period, the Chamber issued 3 decisions on five motions. In those decisions, the Chamber denied Kanyabashi's motion to reinstate two witnesses and subsequently denied Kanyabashi's request to have admitted the written statements of these witnesses; the Chamber denied Kanyabashi's request to call an expert witness; granted Kanyabashi's request to remove one witness from and to add four witnesses to the list. The Chamber further denied Nyiramasuhuko's request to re-open her case.

##### ***Bizimungu et al.***

The proceedings continued before the Chamber between 22 April and 30 April, 2008. During this period, the Chamber heard witnesses for the 4th and final co-accused (Mugiraneza), including one expert



witness; the Chamber also heard a witness for the 3rd co-accused, Bicomumpaka. The Chamber rendered a written decision ordering the recall of a Prosecution witness for further cross-examination, and that witness subsequently appeared for further testimony. However, after taking the witness box, the witness declined to testify further until he had received legal advice. The Chamber directed the Registry to deal with the matter in a way in which it deemed appropriate. The Chamber also rendered a written decision for judicial visit of certain sites in Rwanda. The site visit is scheduled to take place in early June, 2008. The Chamber will continue to hear witnesses for Mugiraneza, as well as to hear some remaining witnesses for the third co-accused (Bicomumpaka).

### **Military II**

The proceedings in Military II are in recess until 26 May 2008 with the continuation of Ndindiliyimana case. The Chamber is currently deliberating on various motions, including motions filed by the four co-accused in the case claiming a violation by the Prosecutor of his obligation to disclose exculpatory material. The accused persons contend that as a result of these violations, the trial has been rendered unfair and the Chamber should dismiss the charges against them.

### **Rukundo**

The Chamber is currently engaged in the judgement drafting.

### **Trial Chamber III**

#### New trial to start

### **Kalimanzira**

The trial of Callixte Kalimanzira was scheduled to start on 28 April 2008 with the Prosecution case. Due to unexpected circumstances, the trial could not commence as scheduled. On 29 April 2008, the President reassigned the case to another section of Trial Chamber III. On 30 April 2008, Judge Byron, presiding in the case, held a Status Conference in the case. He further delivered a decision on the Defence's request to postpone the trial until 11 May 2008 in view of the late disclosure to the accused of the un-redacted statements of the Prosecution witnesses. The Chamber considered that the mere existence of an Electronic Disclosure Suite (EDS) and a possible modality of conveying material to the Defence, in an electronic format, cannot be interpreted as way for the Prosecution to facilitate an evasion of its disclosure obligations. Bearing in mind the rights of the accused, the Chamber found that the Prosecution did not comply with its disclosure obligations by making available the un-redacted statements of the witnesses it intends to call only in the EDS and not ensuring that they would be provided to the Accused in a timely-fashion. The Chamber however considered that by commencing the trial on 5 May 2008, the accused will have adequate time and facilities to consult the documents and his counsel. It therefore denied the request for adjournment.

As a result of the Status Conference, the trial is scheduled to commence on 5 May 2008 before Trial Chamber III composed of Judge Dennis C.M. Byron (presiding), Gberdao Gustave Kam and Vagn Joensen.

#### Ongoing trials

### **Karemera et al.**

After recalling three Prosecution witnesses, the Chamber heard the three first witnesses for the Defence of Edouard Karemera.

Since 14 April 2008, the Chamber has delivered many decisions, including a scheduling order concerning the presentation of the Defence case. In that decision, in accordance with the prior practice adopted during the presentation of the Prosecution case, the Chamber has indicated time-standards for all the concerned parties for the duration of the examination-in-chief and cross-examination of the witnesses.

#### Cases where referral to a domestic jurisdiction is pending

### **Munyakazi**

The Chamber is currently deliberating on the motion for the referral of the case to Rwanda. On 24 April 2008, the Chamber heard the Prosecutor and the Accused as well as four *Amici Curiae* (Republic of Rwanda, Kigali Bar, International Criminal Defence Attorney's Association and Human Rights Watch).

### **Hategekimana**

As previously announced, the Chamber is currently deliberating on the motion for the referral of the case to Rwanda. On 30 April 2008, the Chamber delivered a decision ordering the parties and *Amici Curiae* to file their last submissions within 14 days so that the Chamber can render final decision on the motion for referral.

### **Kayishema**

As previously announced, the Chamber is currently deliberating on the motion for the referral of the case to Rwanda.

#### Cases where evidence is closed but closing arguments are yet to be heard

### **Bikindi**

The Chamber went to Rwanda on a site visit from 14 to 18 April 2008. The main areas visited were Kigali and Gisenyi. Both parties were present during the site visit.

The closing arguments of the parties are scheduled to be heard on 28 and 29 May 2008.

### **Zigiranyirazo**

The case is closed and the closing arguments of the parties are scheduled to be heard on 26 and 27 May 2008.

#### Cases where judgement delivery is awaited

### **Nchamihigo**

The Chamber is currently engaged in the judgement drafting.

Judicial Decisions of the ICTR from 1-30 April 2008.



## Judicial Decisions of the ICTR from 1 to 30 April 2008

Date	Record Number	Title	TC
01/04/2008	ICTR-98-44-3451	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'ELIEZER NIYITEGEKA EN REEXAMEN DE LA DECISION DU 25 FEVRIER 2008	TC 3
02/04/2008	ICTR-99-50-1846	BIZIMUNGU ET AL - DECISION ON MOTION OF JEROME-CLEMENT BICAMUPAKA FOR THE TRANSFER OF DETAINED DEFENCE WITNESS LD-1 FROM RWANDA (Rules 54 and 90 bis of the Rules of Procedure and Evidence)	Trial Team IV
02/04/2008	ICTR-98-44-3454	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOUARD KAREMERA AFIN D'AUTORISER DES TEMOINS DE LA DEFENSE A DEPOSER PAR VIDEO	TC 3
02/04/2008	ICTR-98-44-3456	KAREMERA ET AL - DECISION ON MATHIEU NGIRUMPATSE'S REQUEST FOR EXTENSION OF TIME TO FILE RULE 73 TER MATERIALS	TC 3
02/04/2008	ICTR-98-44-3457	KAREMERA ET AL - DECISION ON PROSECUTOR'S SUBMISSIONS CONCERNING EDOUARD KAREMERA'S COMPLIANCE WITH RULE 73 TER AND CHAMBER'S ORDERS	TC 3
03/04/2008	ICTR-00-55B-0046/1	HATEGEKIMANA - DECISION ON REQUESTS FOR EXTENSION OF TIME AND ORDER CONCERNING THE DEFENCE'S RESPONSE TO THE REPUBLIC OF RWANDA	TC 3
03/04/2008	ICTR-00-55B-0046/2	HATEGEKIMANA - DECISION RELATIVE AUX DEMANDES DE PROROGATION DE DELAI ET A LA REPOSE DE LA DEFENSE AU MEMOIRE D'AMICUS CURIAE DE LA REPUBLIQUE DU RWANDA	TC 3
03/04/2008	ICTR-01-74-0153	KARERA - DECISION ON MOTION FOR LEAVE TO EXCEED THE WORD LIMIT	AC
03/04/2008	ICTR-97-31-0244	RENZAHU - DECISION ON REQUEST FOR CLOSED SESSION TESTIMONY AND SEALED EXHIBITS	TC 1
04/04/2008	ICTR-05-88-0040/2	KALIMANZIRA - DECISION RELATIVE AU TRANSFERT DE TEMOINS DETENUS	TC 1
04/04/2008	ICTR-05-88-0040/1	KALIMANZIRA - DECISION ON TRANSFER OF DETAINED WITNESSES	TC 1
08/04/2008	ICTR-98-44-3466	KAREMERA ET AL - INTERIM ORDER ON JOSEPH NZIRORERA'S SECOND MOTION FOR SUBPOENA TO LEON MUGESERA	TC 3
09/04/2008	ICTR-01-76-0570	SIMBA - DECISION ON CHARLES MUNYANEZA'S MOTION FOR DISCLOSURE OF DOCUMENTS RELATED TO PROTECTED WITNESSES BEFORE THE TRIBUNAL (RULE 75 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 1
11/04/2008	ICTR-99-52-2271	NGEZE - DECISION ON HASSAN NGEZE'S MOTIONS OF 25 FEBRUARY 2008 AND 6 AND 19 MARCH 2008	AC
11/04/2008	ICTR-99-52-2272	BARAYAGWIZA - DECISION ON JEAN-BOSCO BARAYAGWIZA'S MOTION OF 6 MARCH 2008	AC
14/04/2008	ICTR-96-14-0444	NIYITEGEKA - REQUETE AUX FINS D'UNE CLARIFICATION SUR L'INTERPRETATION DE " NIYITEGEKA'S DECISION ON 3RD REQUEST FOR REVIEW" (ARTICLE 19 ET 20 DU STATU; ARTICLES 68, 73, 75 ET 107 DU REGLEMENT)	AC
14/04/2008	ICTR-98-44-3481	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT STATEMENT OF BONAVENTURE UBALJORO	TC 3
15/04/2008	ICTR-98-42-0776	NYIRAMASUHUKE ET AL - DECISION ON NDAYAMBAJE'S MOTION TO VARY HIS LIST OF WITNESSES RULE 73 TER (E) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
16/04/2008	ICTR-98-44-3487	KAREMERA ET AL - ORDER FOR DISMISSAL OF JOSEPH NZIRORERA'S MOTION FOR INSPECTION: JEAN BAPTISTE BUTERA	TC 3
16/04/2008	ICTR-98-44-3484	KAREMERA ET AL - DECISION ON MOTION FOR PARTIAL RECONSIDERATION OF THE DECISION ON JOSEPH NZIRORERA'S TENTH NOTICE OF RULE 68 VIOLATION	TC 3
17/04/2008	ICTR-98-44-3489	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DE MATHIEU NGIRUMPATSE AUX FINS DE LA PROTECTION DE SES TEMOINS	TC 3
17/04/2008	ICTR-98-44-3490	KAREMERA ET AL - ORDONNANCE RELATIVE A LA PRESENTATION DES MOYENS DE PREUVE A DECHARGE	TC 3
17/04/2008	ICTR-98-44-3491	KAREMERA ET AL - DECISION RELATIVE A LA PRESENTATION DES MOYENS DE PREUVE A DECHARGE	TC 3
17/04/2008	ICTR-98-44-3492	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE PRINCIPALE DE JOSEPH NZIRORERA EN COMMUNICATION, PAR LE PROCUREUR, D'INFORMATIONS SUR LES TEMOINS DE LA DEFENSE A LAQUELLES'EST JOINT EDOUARD KAREMERA	TC 3
20/04/2008	ICTR-99-52-2270	NAHIMANA - NOTICE OF APPLICATION FOR RECONSIDERATION OF APPEAL DECISION DUE TO FACTUAL ERRORS APPARENT ON THE RECORD	AC



Date	Record Number	Title	TC
21/04/2008	ICTR-99-50-1861	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUPAKA'S MOTION REQUESTING RECALL OF PROSECUTION WITNESS GFA; DISCLOSURE OF EXULPATORY MATERIAL AND TO MEET WITH WITNESS GFA (RULE 54, 66 AND 75 OF THE RULES OF PROCEDURE AND EVIDENCE)	Trial Team IV
21/04/2008	ICTR-99-52-2275	NAHIMANA - DECISION ON FERDINAND NAHIMANA'S "NOTICE OF APPLICATION FOR RECONSIDERATION OF APPEAL DECISION DUE TO FACTUAL ERRORS APPARENT ON THE RECORD	Trial Team IV
21/04/2008	ICTR-99-50-1862	BIZIMUNGU ET AL - DECISION ON MOTIONS FOR SITE VISITS TO RWANDA (RULE 4 OF THE RULES OF PROCEDURE AND EVIDENCE)	Trial Team IV
22/04/2008	ICTR-01-76-0572	SIMBA - DECISION ON THE PROSECUTION URGENT MOTION FOR CLARIFICATION AND FOR DISCLOSURE OF THE SAME DOCUMENTS TO THE CROWN PROSECUTION OF THE UNITED KINGDOM Rule 75 of the Rules of Procedure and Evidence	Chamber Pending
22/04/2008	ICTR-98-44-3509	KAREMERA ET AL - RECTIFICATIF A L'ORDONNANCE RELATIVE A LA PRESENTATION DES MOYENS DE PREUVE A DECHARGE DU 17 AVRIL 2008	TC 3
23/04/2008	ICTR-96-3-1343	RUTAGANDA - DECISION ON MOTION FOR CLARIFICATION ON RULE 68 OF THE RULES	AC
24/04/2008	ICTR-96-15-0876	KANYABASHI - DECISION ON KANYABASHI'S THREE MOTIONS TO VARY HIS LIST OF WITNESSES AND TO ADMIT WRITTEN STATEMENTS UNDER RULE 92bis	TC 2
24/04/2008	ICTR-97-21-0962	NYIRAMASUHUKE ET AL - DECISION ON THE PROSECUTOR'S MOTION TO UNSEAL AND DISCLOSE TO CANADIAN AUTHORITIES THE TRANSCRIPTS OF WITNESS QA AND EXHIBIT P-93	TC 2
24/04/2008	ICTR-98-44-3517	KAREMERA ET AL - MEMOIRE POUR M. NGIRUMPATSE SUR LA DECISION DE LA CHAMBRE EN DATE DU 17 AVRIL 2008 RELATIVE A L'ADMINISTRATION DE LA PREUVE DE LA DEFENSE	TC 3
25/04/2008	ICTR-00-55A-0347	MUVUNYI - DECISION ON THE PROSECUTOR'S MOTION TO EXPUNGE A SUBMISSION FROM THE RECORD	AC
25/04/2008	ICTR-98-44-3523	KAREMERA ET AL - DISCLOSURE OF IMMIGRATION RECORDS OF IDENTIFIED DEFENCE WITNESSES AND INFORMATION CONCERNING VINCENT RUTAGANIRA FOLLOWING TC'S DECISION OF 17 APRIL 2008	TC 3
25/04/2008	ICTR-98-44-3522	KAREMERA ET AL - PROSECUTION RESPONSE TO JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF ORAL DECISION ON MOTION TO COMPEL FULL DISCLOSURE OF ICTR PAYMENTS FOR THE BENEFIT OF WITNESSES G & T (FEBRUARY 2008)	TC 3
28/04/2008	ICTR-98-44-3527	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO MATHIEU NGIRUMPTSE'S MEMOIRE SUR LA DECISION EN DATE 17 AVRIL 2008 RELATIVE A L'ADMINISTRATION DE LA PREUVE DE LA DEFENSE	TC 3
29/04/2008	ICTR-97-21-0963	NYIRAMASUHUKE ET AL - DECISION ON NYIRAMASUHUKE'S MOTION FOR DISCLOSURE OF DOCUMENTS UNDER RULE 68 AND RE-OPENING OF HER CASE	TC 2
30/04/2008	ICTR-00-55B-0054	HATEGEKIMANA - DECISION ON DEFENCE REQUEST FOR RECONSIDERATION AND PROSECUTION REQUEST FOR EXTENSION OF TIME AND ORDER REGARDING THE AMICUS CURIAE SUBMISSIONS OF THE ICDA AND THE KIGALI BAR ASSOCIATION	TC 3

### **Rwanda Genocide Commemoration – 7 April 2008**

The ICTR Staff Association, Arusha in collaboration with the ICTR Rwandese Community organized the Commemoration of the 14th Anniversary of the Rwanda Genocide on 7 April 2008 at its premises under the theme *"Remembering Rwandan Genocide by Assisting the Victims"*. The organizing committee set up two condolence books at Kilimanjaro lobby and Serengeti entrance and lit candles as part of commemoration .

In keeping with the theme, the Staff Association and

the Rwandan community in Arusha started a collection and appealed to all to *"Stretch a Hand"*. The money thus collected will be used for the construction of an





ICTR staff and invitees at the Commemoration

Orphanage in Rwanda which will accommodate at least up to 100 orphans.

The Registrar and the Prosecutor, the Rwandese Ambassador, the President of the UNICTR Staff Association, and the Chairperson of the Rwandese Community addressed staff and invitees during the commemoration. Religious leaders from various denominations graced the occasion and there were prayers and songs by different choirs. At the end of the event soft drinks were served as required by the Rwandese culture

In his statement the President of the Staff Association, Mr. Optatus Nchimbi underscored that if the international community had acted promptly and with determination, it could have stopped most of the killings, but the political will was not there, nor were the troops. *"None of us must ever forget, or be allowed to forget, that genocide did take place in Rwanda, or that it was highly organized, or that it was carried out in broad daylight. No one who followed world affairs or watched the news on television, day after shocking day, could deny that they knew genocide was happening, and that it was happening on a terrible scale. Leaving over eight hundred thousand men, women and children abandoned to the most brutal and callous of deaths, as neighbour killed neighbour. Safe havens such as churches and hospitals were turned into slaughterhouses. A terrible chain of events gradually engulfed the entire region in conflict"*

He further said that we must all acknowledge our responsibility for not having done more to prevent or stop the genocide. Neither the United Nations, the Security Council, nor Member States in general, or the international media, paid enough attention to the increasing signs of disaster.

He underlined that we need to show our solidarity with the victims and survivors and challenge the international community to work together to stop the recurrence of genocide. He called upon all the ICTR Community and beyond to support the construction of an orphanage in Rwanda and urged all to contribute generously towards this project.

#### • Statement by Prosecutor Hassan B. Jallow

Honourable Judges, Registrar, Adama Dieng, H.E. Mr. Alloys Mutabingwa, Representative of Rwanda to the ICTR, Distinguished Guests,

Fourteen years ago the world witnessed one of the worst humanitarian tragedies of our times. The genocide of 1994 in Rwanda is no longer a matter of conjecture or argument. It is a well established fact of history that has been judicially taken notice of by this tribunal.

Since the, the world community has, through the ICTR, expended considerable energy and resources to bring to account those who played a leading role in the genocide of 1994. We at the ICTR remain committed to that mandate and renew our resolve to ensure the accountability of those responsible for this tragedy.

April 7 must forever be remembered in mankind's history. For with remembrance with regret, with remorse, we may truly begin to give concrete meaning to our commitment "never again."

On an occasion such as this our thoughts must go to the victims and to the survivors. We pay our deepest respects to them. We pay tribute to the countless survivors who daily carry the heavy burden of pain and suffering of their experience with them; survivors who despite this burden have in many ways greatly assisted the process of legal justice here, and elsewhere, to take its course. Our experience of the Rwanda genocide should spur us all to a more broad based response to such actual potential tragedies. Legal responses are absolutely necessary but do not adequately address all concerns. We must supplement it with preventive justice and with restorative justice. Our first duty is to strive to prevent the occurrence of such tragedies. Addressing the plight of victim survivors in the event future preventive action should be an important component of delivering justice to post conflict situations.

Hence I welcome very much and commend the initiative of the ICTR Staff Association to remember by assisting the survivors, by providing support to the Club Urumuli, an association of Rwanda orphans. They do indeed "deserve a better life." We have a duty to support them; a duty to call on the United Nations system and all member States as well to support the victim survivors.

#### • Statement by the Registrar Mr. Adama Dieng

Dear colleagues,

We are here once more to commemorate the anniversary of the unspeakable tragedy which occurred in Rwanda from April to July 1994. This tragedy has a name. Our Appeals Chamber has cast it on stone. It determined that even our legal obligation to observe strict reservation on matters *sub judice*, should not prevent us any longer from formally and publicly referring to those mass killings as what they are, a Genocide. The Appeal Chamber said indeed



that this Genocide is part of the universal history of mankind.

I am sure you have all read this morning the touching message of the Secretary General of the United Nations Mr. Ban Ki Moon, relating to this commemoration. He reminded us of our moral duty to act on the lessons of Rwanda. He insisted particularly on the need to prevent another genocide.

As staff of UN ICTR, this invitation should be understood first to mean that we have a moral obligation to deliver justice swiftly. 14 years is a long period of time. And memories may be fading, as time goes by. Our trials rely mainly on the oral evidence of victims, and we need to enable them play this vital role. I therefore continue to urge all staff to pursue their relentless effort for an orderly completion of our mandate. We owe this to the Rwandan victims. We owe this to the international community.

The theme of the commemoration of this year is **"Remembering Rwandan genocide by assisting the victims"**. Our Rules entrust the Registrar with the role of looking after victims. He must provide them with the environment necessary for their safe and undisturbed testimony. With the Assistance of the WVSS and the Gender Adviser, we have been able to cater for the most vital needs of the victims, while staying within the remit of our mandate. This mandate, as you know, does not make room for restitutive justice. But with some imagination we have been able to look after the victims in many respects which will help them better embrace the future.

I am very satisfied that our institutional action is being replicated, echoed and furthered by different initiatives of the Staff Association, the Association of Spouses of Staff (ASA) and the Association of Rwandans working with the Tribunal. I encourage all these associations to pursue their efforts. I also urge staff members to continue to be generous with the donations pledged to these associations. They cannot serve a better cause.

In a newspaper I was reading just a moment ago, the Belgian journalist Hugues Dorzée, writing about the genocide commemoration, asserted that this Monday we will all be Rwandans. I am tempted to interject that, yes we all feel Rwandan today. But as staff members of the Rwandan Tribunal, we feel Rwandan not only today but all the time. We feel Rwandans as long as we work for the cause of international justice, thus for the cause of the victims of the Rwandan genocide.

- **International Day of Reflection on the 1994 Genocide in Rwanda**

The International Day of Reflection on the 1994 Genocide in Rwanda was held at the "Little Theatre" in Dar es Salaam on 7 April 2008.

Wallace Kapaya, Senior Trial Attorney, represented the Prosecutor, Mr. Hassan Bubacar Jallow at this event. His address is reproduced below:

I wish to extend my thanks to the organisers of this

occasion, for inviting the Prosecutor of the ICTR Mr. Hassan Bubacar Jallow to participate in this event. Due to other responsibilities, he is unable to attend. It is my pleasure to represent him and the Office of the Prosecutor.

We stand here today to commemorate the 14th anniversary of the Genocide that shook Rwanda and the entire civilised community. Those of us who practice in the International Criminal Tribunal for Rwanda relive, almost everyday, through talking to victims who appear before the Tribunal as witnesses, the horrific experience the victims of the genocide went through in a span of a hundred days between April and July 1994.

In that period, nearly a million Rwandans men and women, old and young, including born and unborn children were slaughtered for no reason, other than that they happened to be Tutsi. Many Rwandans still nurse the scars in their hearts for the loss of their dear ones, for the devastation of their country, through the actions of a government that plunged their country into total anarchy.

In late 1994, the International Community created the ICTR in order to track down the architects of this slaughter and bring them to book to account for their crimes. Most of them, including the head of the genocidal government, ministers, military men businessmen and members of the clergy have been arrested. Many of them have been tried and convicted and are serving long terms of imprisonment, including life. It is my hope that this retributive measure will assist in the process of healing and reconciliation.

I call upon the countries that still harbour the fugitives to arrest them as soon as possible and bring them to justice. The ICTR has published the warrants of arrest in respect of all the fugitives wanted by the Tribunal.

The ICTR, in an effort to inform Rwandans what it is doing, has opened an information centre in Kigali, and is opening others in every regional seat in the country. The ICTR, has, in addition embarked on several outreach programmes in Rwanda to assist Rwandans in the reconciliation process. These programmes include a capacity building seminar on the law of indictments for Rwandan Prosecutors which opened recently at Rwanda's Institute of Legal Practice and Development in Nyanza, Southern Province. About 147 participants drawn from different levels in the national Prosecution service are attending the workshop. This seminar is one amongst several the ICTR is conducting with the Rwandan people. The ICTR is further attending to the medical needs of all the witnesses who have testified before the Tribunal to assist the Judges in dispensing justice. The judgements that the Tribunal renders reflect the correct legal and political history of Rwanda, future generations will want to know.

Rwanda is the only African country which has so far expressed willingness to take up cases under the referral system. The training and other capacity building programmes will assist Rwandan lawyers to handle the Prosecution of indictees who will be



transferred to Rwanda from the Tribunal, as the mandate of the Tribunal expires. I call upon other African countries, particularly those in the East African Community in which Rwanda is a member, to come forward and share the load with our Rwandan brothers and sisters, in prosecuting the genocidaires. In this way we will collectively be seen to be contributing to the process of reconciliation in Rwanda, and to the eradication of the culture of impunity in Africa.

I wish finally to echo the message of the UN Secretary General on this occasion when he said that he has appointed a Special Advisor, with a focus on the responsibility to protect, through the Security Council, any population that is threatened with genocide, ethnic cleansing, or crimes against humanity. I thank you.

### Registrar meets Secretary-General of “La Francophonie” and French State Secretary for Foreign Affairs & Human Rights



Mr. Dieng with Mr. Abdou Diouf former Head of State of Senegal

During a short mission undertaken in France mid-April 2008, the Registrar of the Tribunal Mr. Adama Dieng met on 16 April with Mr Abdou Diouf former Head of State of Senegal and currently Secretary-General of the *Francophonie* Organization. During the meeting with the Secretary General Mr. Dieng provided a large

briefing to his Excellency on the achievements and the challenges the ICTR is facing during its completion strategy. They both exchanged views on how best the *Francophonie* could assist the ICTR in ensuring a smooth implementation of its completion Strategy.

Two days earlier the Registrar paid a visit to the French State Secretary in charge of Foreign Affairs and Human Rights, Ms Rama Yade. They had fruitful discussions and Mr. Dieng requested support on various areas of cooperation in which the State Secretary and her Ministry can assist the ICTR in completing its mandate.



Ms. Rama Yade and Mr. Dieng

### ICTR Delegation Attends East African Media Summit

At the invitation of the Secretariat of the EAC, a three-member delegation of the Tribunal on 11 and 12 April

2008 attended the 2nd East African Media Summit, organised by the East African Community in collaboration with the East African Business Council in Dar es Salaam. More than 100 Chief Executive Officers and Owners of Media Houses, Editors, Correspondents, regional peace and security experts from Kenya, Uganda, Burundi, Rwanda and Tanzania attended the Summit.

The ICTR delegation was led by Mr. Roland Amoussouga, The Tribunal's Spokesperson and Chief of External Relations and Strategic Planning who also presented a paper at the Summit on



The Secretary-General of the EAC, Mr. Juma Mwapachu with Mr. Roland Amoussouga

*“Media Practice – Addressing Conflicts, Instability and their Prevention from an East African Perspective.”*

The delegation which included Mr. Bocar Sy, Head of Communication Cluster and Mr. Danford Mpumilwa, Associate Information Officer also organised an ICTR exhibition at the Summit at which public documents and brochures were distributed.

A short film documentary summarising the ‘media case’ to highlight examples of abuse of freedom of the press was also screened during the presentation.

### Seminarists Visit the Tribunal



Leontine Mabika, Roland Amoussouga (centre), Brother Jacob W. Barasa (left), Father Richard Brunelle (right) and other Seminarists

On 30 April 2008, a 7-member delegation of Seminarists from the Arusha Noviciate of the Kizito House of the Augustinians of the Assumption visited the ICTR. The delegation was led by Father Richard Brunelle, Regional Superior for the East African Region of the Augustinians of the Assumption.

A very detailed briefing, from the social background underlying the events in 1994 to the legal work being carried by the Tribunal today, was given to the visitors by Mr. Roland Amoussouga, Senior Legal Adviser, Chief of the External Relations and Strategic Planning Section, and ICTR Spokesperson. The briefing was



followed by a lively question and answer session, after which the priests were taken on a guided tour of ICTR facilities and a visit to the Laity Kama Courtroom.

Speaking on behalf of the delegation, Brother Jacob W. Barasa expressed satisfaction in the following terms: *"The day was full of knowledge and reflection in the province of peace and justice, a field that at times we give a deaf ear to. You were an eye opener and a prophet."*

In response, Mr. Amoussouga said: *"I would like to thank you all for your much-appreciated visit to the ICTR Headquarters and particularly for the interest the Kijenge parish has expressed in knowing about the work, challenges and achievements of the ICTR.... On behalf of my colleagues of the Section who made your visit possible, I would like to thank you, once again, for giving us the opportunity to inform you about the misdeeds of mankind particularly those of a few human beings who had decided to go and act against the teachings of the Holy Scriptures."*

## News from Kigali

### • Workshop for Rwandan Prosecutors Opens in Nyanza

A 10 day capacity building seminar on the law of indictments for Rwandan Prosecutors opened Tuesday, 1 April 2008 at Rwanda's Institute of Legal Practice and Development in Nyanza, Southern Province. About 147 participants drawn from different levels in the National Prosecution Service are attending the workshop.



In his remarks, Mr. Richard Karegyesa, Senior Trial Attorney, on behalf of the ICTR Prosecutor, Mr. Hassan Bubacar Jallow, said that this training is one of the important pillars of the justice system and would enable the exchange of legal experience in the drafting of indictments.

He thanked the Government of Rwanda for inviting the ICTR to participate in and share experience with the Rwandan National Prosecution Service. The ICTR official also thanked the European Union and the World Bank for the support the two institutions are providing in strengthening the capacity of the Rwandan Judiciary.

Mr. Karegyesa announced that the Tribunal will continue with its programme of capacity building for the Rwandan Justice sector. He commended the existing cordial and excellent relationship between the ICTR and the Government of Rwanda.

At the opening ceremony, on behalf of the Prosecutor General, Mr. Hitiyaremye Alphonse, the Deputy Prosecutor General, thanked the organizers of the seminar, which he said would provide the necessary knowledge to improve the work of the prosecutors in the country. The Rwandan Official added that the techniques in drafting indictments would enable the country's judiciary to operate on international standards needed in the protection of the rights for the accused.

The training is being facilitated by officials from the office of the Prosecutor. It follows similar ones already organized by the ICTR for judges, prosecutors, and members of the Rwanda Bar Association among others.

### • Rwandan Students Trained Under ICTR Outreach Programme

Some 287 students from four Rwandan Universities in March and April 2008 undertook Online Legal Research Training organised by the Tribunal as part of the ICTR on-going Outreach Programme.

The overall objective of the training sessions which took place from 10 to 29 March and from 14 to 25 April 2008 was to raise participants' awareness of the Internet as an invaluable legal information source and to equip them with the knowledge, skills and techniques that are necessary to conduct efficient legal research on the Internet.

There were 49 students from the National University of Rwanda, 97 from the Université Libre de Kigali, 100 from the Université Libre Adventiste de Kigali and 43 from Kigali Institute of Education Library School.

### • Kigali OTP Archiving Project takes off

Ayodeji Fadugba, Chief Information and Evidence Support Section (IESS, OTP), Louis Edouard Ndiaye and Tolupe Olowoye were on mission to Kigali from 14 to 20 April. The aim of the mission was for Louis Edouard Ndiaye and Tolupe as new OTP staff members to familiarize themselves with IESS Kigali operations, but also to review and assess the volume of records produced by the Investigations Section in



(left to right) Mohamed Ayat, Tolulope Olowoye, Ayodeji Fadugba, Stephen Thambiakeni, Edjen Makwai

Kigali over the years with a view to setting criteria for separating personal from official documents. The archiving project in Kigali is being conducted by IESS Kigali Staff.

When a staff was separating from the office or transferred to Arusha, the files left were just put in cartons and the office cleaned for the next occupant of the office.



Boxes of investigation records

This first stage of the project will consist of identifying, sorting and classifying investigations records collected over the years. This has begun and it is amazing to find such vast different items in the boxes. It is a travel down memory lane. The records reflect the work of investigators and the incredible amount of institutional memory is locked in the boxes.

## News from The Hague

### • Activity of the Appeals Chamber

The appeals in the *Muvunyi* case which were heard in Arusha on 13 March 2008 are under deliberation. Additionally, the Appeals Chamber is seized of an appeal from judgement in the *Karera* case where the briefing is in progress.

The Appeals Chamber is also seized of interlocutory appeals in the *Karemura et al* and *Bizimungu et al* cases, one request for clarification in the *Niyitegeka* case, and one motion arising from the *Nahimana et al* Appeal Judgement.

During April, the Appeals Chamber delivered three post-appeal decisions in the *Nahimana et al* case, one decision related to disclosure in the *Rutaganda* case, and four other orders or decisions.

### • Inter-Tribunal Co-operation, ICTR-Internal Co-operation

The Head of Chambers, Mr. Chile Eboe-Osuji, was on mission at the Appeals Chamber on 21 and 22 April 2008. Mr. Eboe-Osuji met with the Presiding Judge and Judges of the Appeals Chamber as well as with

the staff of the ACSU. He also met with the ICTY Deputy Registrar, the ICTY Head of Chambers, and other officials.

### • Hearing of testimonies of Witnesses by Video-Conference Link

Following the Order of 19 March 2008 by Trial Chamber III, composed of Judges Dennis C. M. Byron (ICTR, President, Presiding), Gberdao Bustave Kam and Vagn Joensen, the Other Registry Services Sub-Unit (ORSS-U) of the ACSU has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearing of the testimony by video-conference link of a witnesses on 7 April 2008.

## ICTR Staff Members Attend Computer-Assisted Translation and Terminology Forum

The International Annual Meeting on Computer-Assisted Translation and Terminology (JIAMCATT 2008) is a UN-sponsored forum on language technology. As staff members of the Language Services Section of the Tribunal, we attended the 21<sup>st</sup> edition of the meeting which was hosted by the African Development Bank in the beautiful city of Tunis from 23 to 25 April 2008. With about 120 colleagues from over 70 international, national and non-governmental organizations, we took part in a series of plenary meetings and group workshops focusing on recent developments in the field of translation, terminology and workflow tools. It was motivating to witness such a commonality of interests between representatives from organizations as diverse in size and purpose as the EU and the Pacific Community, NATO and Amnesty International, the OECD and the refreshing TikiWiki community, to name but a handful.



A number of trends emerged from the sessions, such as the need for increased cooperation between member organizations (in particular in the area of terminology) and, most notably, an ever-increasing reliance of member organizations on external translators (with targets for outsourced work sometimes as high as 80 %). Some aspects of these trends, such as the integration of internal and external translation work through dedicated network portals and other collaborative tools, may be of interest to the Tribunal as it completes a bilingual mandate that may ultimately include, in addition to routine language services, the processing of untranslated case law from past years. In this respect, it is hoped that the Tribunal's management will be represented at the upcoming International Annual Meeting on Language Arrangements, Documentation and



From left: Patrice Tchidimbo, Kate Aboagye, Veronique Morenou, Caroline Kinabo, Donatus Sinsai (behind), Ramadhani Juma, Chile Eboe-Osuji, Sigan Naidoo, Kim Janssen (front), Roman Boed (behind), Virginie Monchy, Michel Binon, Fatou Fall



Publications (IAMLADP) to be hosted by the European Parliament in Strasbourg from 23 to 25 June 2008.

### Staff Member Participates in Olympic Torch Relay

ICTR staff member, Patrick Gwandu is a retired sportsman. He was selected by Tanzania Olympic Committee to participate in the torch relay held in Dar es Salaam on 13 April 2008 leading to the Olympics to be held in Beijing, China from 8 August 2008. Tanzania was selected to represent the African continent.



Patrick Gwandu (front right), Joel Bendera, Deputy Minister of Sports and Culture of Tanzania (centre back row) and other torch bearers

Patrick was selected to participate in this relay in view of his contribution to sports in Tanzania. He was one of the torch bearers (no. 14) on the 8<sup>th</sup> day of the relay. The torch was collected from the New Stadium in Dar es Salaam and Patrick carried it for a distance of about 60 meters before handing it over to the next relay participant. He was awarded a torch as a souvenir. Torch bearer No. 3 was Joel Bendera, Deputy Minister of Sports and Culture of Tanzania.

### Staff Association News

#### • Staff Association President attends CCISUA

The President of UNICTR Staff Association, Optatus Nchimbi, attended the 23<sup>rd</sup> General Assembly of Coordinating Committee for the International Staff Unions and Associations (CCISUA) from 21 to 25 April 2008 which took place in Geneva, Switzerland.

During the meeting various issues pertinent to the staff members were discussed and resolutions passed by the participants. The President of International Labour Organization (ILO) Staff Union Mr. Christopher Land-Kazlauskas of Geneva was elected as the new President of CCISUA.

In his keynote address, Global Developments in Public Service Unionism, Mr. Peter Waldorff, PDI General Secretary said that it is necessary to underline the importance of proper interaction between Management / Administration and the Unions or Associations on an equal level and that this should not be underestimated.



Commenting on job security he said there was an increasing trend worldwide towards short term contracts and the elimination of long employment and pension plans etc. Tools and agreements should be developed to replace what is in place, especially in cases where there is no equal footing in the negotiations.

Various issues and problems were dealt with including the future of ICTY and ICTR staff members; system of coherence (common standards on technical issues); review MIP to elevate the ceiling; mobility and hardship, GS salary survey methodology, classification of field duty stations.

Resolutions on the future of ICTY/ICTR Staff were adopted and the General Assembly was requested to send an additional resolution to the Security Council:

#### Resolution on the future of ICTY / ICTR Staff

**Recalling** the previous CCISUA resolutions and mails on the status of ICTY / ICTR staff and the urgent need for consideration as to their future,

**Further recalling** the commitment given by the Deputy Secretary General and Under Secretary General for Management at CCISUA's General Assembly in July 2005 to finding a suitable solution for the staff of both Tribunals,

**Takes note** of the years of service Tribunal staff have loyally served the international community and the United Nations,

**Strongly supports** the ACABQ recommendation to implement a staff retention incentive at both Tribunals,

**Is seriously concerned** by the Member States delay in implementing measures for the staff of the Tribunals,

**Is further concerned** at the lack of measures to protect returning former Yugoslavian and Rwandan staff during post abolition,

**Urgently calls upon** the Secretary General and Member States to address the concerns of the Tribunal staff in consultation and close cooperation with staff representatives,

**Decides** to review progress and take any additional measures at future meetings of membership,

**Urges** the 5<sup>th</sup> Committee to take action on the question at its next session.



### **Tribute to a Man of Honour: Captain Mbaye Diagne** *by François-Xavier Nsanzuwerwa, OTP*

In April 2008, the world commemorates the 14<sup>th</sup> anniversary of the genocide of Tutsis in Rwanda. The estimated figure of the victims of this genocide stands at more than one million people. However, as rightly expressed by the Appeals Chamber of the International Criminal Tribunal for Rwanda (ICTR), the world will probably never know the exact number of these fatalities.



On 7 April 2008, our thoughts will go not only to the victims and the survivors of the genocide but also to all those men and women of different nationalities, from different backgrounds who were the pioneers of the work accomplished by the ICTR. They were not in Nuremberg and not in Tokyo in 1945 but they were in Arusha. They brought in their contribution to building justice, one of the pillars of reconciliation.

This memorial should also be an opportunity to think of these men and women who, while risking their lives, saved the lives of Tutsis whose lives were in danger. Speaking at the celebration of the International Women's Day at ICTR on 6 March 2008, the Prosecutor, Mr. Hassan B Jallow stressed the heroic role played by Rwandan women like Zula Karuhimbi who saved their Tutsi compatriots during the genocide.

During this mourning period, my thoughts go to a man who lost his life in Rwanda during the genocide, namely the Senegalese, Captain Mbaye Diagne. He was a blue helmet of the United Nations Assistance Mission for Rwanda (UNAMIR) and he fell under a bomb. He was young, in the prime of his life but was also particularly courageous and he lost his life in Rwanda, far from Senegal, the country where he was born.

I do not know the exact circumstances of his death. I came to know him on 10 April 1994 at the Hotel des Milles Collines where my wife and I had just found refuge. This man was our guardian angel during our stay at the Hotel des Mille Collines from 10 April to 28 May 1994. During the two months that we spent at this hotel, Captain Mbaye Diagne went every day to the town of Kigali to help people in danger. He used to shelter families at the hotel.

After the genocide, several survivors recounted to us the courageous acts committed by Captain Diagne. Many of them have a bad memory of the UNAMIR. The latter reminds them of the abandonment, a sort of treason for those who believed in the Arusha Peace Accord and for those who believed in the peacekeeping mission of this force. However, some men within this institution risked their own lives to save others. Mention must be made of the commander-in-chief of this mission who, without adequate means, remained with a few people and witnessed the tragic moments of the history of Rwanda and the world.

The courage of Captain Mbaye Diagne and the act of sacrificing his life for Rwanda during the genocide reconciles us with our mother continent. For three months, the world and Africa watched the genocide without doing anything while all mankind stared at the macabre images shown on the television screens. However, in Rwanda, some courageous men and women did what they could to save the situation.

If today the younger generations must learn the history of the Holocaust, the Armenian genocide, the genocide done by the Khmers Rouges and the genocide of Tutsis in Rwanda, it is important that they also learn the history of the courageous people like Captain Diagne Mbaye as people like him reminds us that we all belong to the same family, that is the mankind. During horrible times like wars and genocides, these brave men and women save our humanity, our "ubuntu". The abbot Alexis Kagame and His Lordship Desmond Tutu wrote many articles on this beautiful word of "ubuntu" that is found in several Bantu languages. In Kinyarwanda, the word "ubuntu" means generosity, humanity, the fact of being human.

During this month of painful memories, my thoughts go to Captain Mbaye who died far from his motherland and his people and to all those, amongst his comrades, who remained men of honour. Somewhere in Rwanda, somewhere in the world, each time the international community observes the remembrance of the genocide of Tutsis and the massacre of Hutus who opposed the ideology of the genocide; there are some men and women who think of Captain Diagne Mbaye and at what his memory represents, namely courage, dedication to duty, sense of honour and selflessness.