



# ICTR NEWSLETTER

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United Nations International Criminal Tribunal for Rwanda

## Genocide Suspect Bagaragaza Surrenders to Tribunal and is Transferred to The Hague



On 16 August 2005 Michel Bagaragaza, former director general of the office controlling the Rwandan tea industry, surrendered to the International Criminal Tribunal for Rwanda (ICTR) in Arusha. Two days later, on 18 August 2005, he was transferred to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague, in The Netherlands, for temporary detention.

Appearing before Judge Arlette Ramaroson, the accused pleaded not guilty to genocide charges. Bagaragaza, is charged with conspiracy to commit genocide, genocide and complicity in genocide. In an indictment confirmed on 28 July, 2005, he is alleged to have conspired with tea factory employees under his supervision and with others, between 1 January and 17 July 1994, to kill Tutsi in Rwanda and especially in Gisenyi Prefecture.

Bagaragaza, who was born in 1945 in Giciye Commune, Gisenyi Prefecture, is charged with ordering his subordinates and with instigating, aiding and abetting others over whom he did not have authority, to kill hundreds of Tutsi civilians who sought refuge on Kesho Hill near a tea factory in Rubaya and in Nyundo Cathedral, both in Gisenyi Prefecture.

He is alleged to have helped establish, fund, train and arm the *Interahamwe* militia to carry out attacks on Tutsi civilians. He is also alleged to have been the honorary president of a local unit of the *Interahamwe*. He allegedly ordered tea factory employees to provide the *Interahamwe* with fuel for vehicles, arms and ammunition from a stockpile at the factory and ordered factory personnel to assist them in killing hundreds of Tutsi.

ICTR Prosecutor Hassan Bubacar

Jallow welcomed the surrender of Bagaragaza and said, "The indictment of Michel Bagaragaza resulted from our investigation of the *Akazu*, the group around the former Rwandan President which exercised great power in business and government in the years leading up to 1994. His indictment is among the final eight indictments that the Office of the Prosecutor has filed in cases alleging genocide. His surrender today is thus an important step in the fulfillment of the Tribunal's Completion Strategy."

Bagaragaza's transfer to The Hague under orders issued by Judge Ramaroson on 13 August follows a request by the ICTR Prosecutor to the Tribunal to grant the transfer which was a condition of Bagaragaza's voluntary surrender. The order permits the accused to remain in detention at ICTY for six months, renewable for one further six-month period.

The Prosecutor requested detention of the accused in The Hague rather than at the UN Detention Facility in Arusha because of concerns for Bagaragaza's security in light of his voluntary surrender to the Tribunal.

The transfer was granted under Rule 64 of the "Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal." Jean Kambanda was similarly transferred to The Netherlands for detention.

Bagaragaza's transfer to The Hague was facilitated through the continued cooperation of the government of the Kingdom of the Netherlands with the Tribunal and by the excellent collaborative relationship between the ICTR and the ICTY.

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## Trials in Progress

*Rwamakuba* - TC III, 22 August 2005, Laity Kama Courtroom, Judge Byron, Presiding, Judge Hökberg, Judge Kam

*Nyiramasuhuko "Butare"* - TC II, 29 August 2005, Courtroom II, Judge Sekule, Presiding, Judge Ramaroson, Judge Bossa

*Ndindilyimana et al "Military II"* - TC II, 29 August 2005, Courtroom III, Courtroom III, Judge de Silva, Presiding, Judge Hikmet, Judge Park

*Karemera et al* , TC III - Courtroom IV, 29 August 2005, , Judge Byron, Presiding, Judge Short, Judge Kam

## Michelle Lee, Chief, DASS, off to Cambodia

Michelle Lee, Chief, Division of Administrative Support Services left the Tribunal on 26 August 2005 to take up her new assignment as Coordinator of the Operational Assistance to the Khmer Rouge Trials in Phnom Penh, Cambodia. She was at the Tribunal for over 2 years.



## Judicial Decisions of the ICTR between 1 and 31 August 2005

| Date       | Case                 | Record No.        | Chamber | Title   |
|------------|----------------------|-------------------|---------|---|
| 05/08/2005 | Karemera et al.      | ICTR-98-44-1891   | TC 3    | DECISION ON DEFECTS IN THE FORM OF THE INDICTMENT   |
| 05/08/2005 | Karemera et al.      | ICTR-98-44-1892   | TC 3    | DECISION ON COUNT SEVEN OF THE AMENDED INDICTMENT VIOLENCE TO LIFE, HEALTH AND PHYSICAL OR MENTAL WELL-BEING OF PERSONS   |
| 05/08/2005 | Karemera et al.      | ICTR-98-44-1893   | TC 3    | DECISION ON RENEWED MOTION TO DISMISS FOR LACK OF JURISDICTION: UNITED NATIONS CHARTER, CHAPTER VII POWERS  |
| 05/08/2005 | Karemera et al.      | ICTR-98-44-1894   | TC 3    | DECISION ON DEFENCE MOTION CHALLENGING THE JURISDICTION OF THE TRIBUNAL JOINT CRIMINAL ENTERPRISE   |
| 08/08/2005 | Karemera et al.      | ICTR-98-44-1904   | TC 3    | DECISION ON DEFENCE MOTION FOR DISCLOSURE OF THE AFFIDAVIT OF RICHARD RENAUD RELATED TO WITNESSES G & T   |
| 08/08/2005 | Karemera et al.      | ICTR-98-44-1905   | TC 3    | DECISION GRANTING THE PROSECUTION TIME TO FILE A CONSOLIDATED REPLY TO DEFENCE RESPONSES TO THE JUDICIAL NOTICE MOTION  |
| 10/08/2005 | Karemera et al.      | ICTR-98-44-1799/2 | TC 3    | DECISION RELATIVE A LA REQUETE DE JOSEPH NZIRORERA TENDANT A FAIRE DECLARER <<NULLES ET DE NUL EFFET>> DES DECISIONS ANTERIEURES  |
| 17/08/2005 | Renzaho              | ICTR-97-31-0097   | TC 2    | DECISION ON THE PROSECUTOR'S MOTION FOR PROTECTIVE MEASURES FOR VICTIMS AND WITNESSES TO CRIMES ALLEGED IN THE INDICTMENT   |
| 17/08/2005 | Ndindilyimana et al. | ICTR-00-56-0496   | TC 2    | REPLIQUE DU PROCUREUR, SUITE A LA RÉPONSE FORMULÉE PAR LE CONSEIL DE FRANÇOIS-XAVIER NZUWONEMEYE SUR SA REQUÊTE DU 9 AOUT 2005 (REQUÊTE SUR LE FONDEMENT DE L'ARTICLE 73BIS E) DU RPP)  |
| 17/08/2005 | Bizimungu et al.     | ICTR-99-50-0954   | TC 2    | PROSECUTOR'S CONSOLIDATED RESPONSE TO DR. BIZIMUNGU, MR. BICAMUMPAKA AND MR. MUGIRANEZA'S MOTIONS FOR EXTENSION OF TIME WITHIN WHICH TO FILE THEIR REPLIES AND REQUEST FOR URGENT TRANSLATION OF THE PROSECUTOR'S RESPONSE PURSUANT TO RULE |
| 18/08/2005 | Karemera et al.      | ICTR-98-44-1922   | TC 3    | REPLY BRIEF: MOTION FOR JUDICIAL NOTICE OF FACTS OF COMMON KNOWLEDGE AND ADJUDICATED FACTS  |
| 18/08/2005 | Karemera et al.      | ICTR-98-44-1924   | TC 3    | DECISION ON THE DEFENCE MOTION TO PERMIT INVESTIGATORS TO ATTEND CLOSED SESSIONS  |



| Date       | Case                       | Record No.      | Chamber | Title  |
|------------|----------------------------|-----------------|---------|--|
| 18/08/2005 | Ndindiliyimana et al.      | ICTR-00-56-0497 | TC 2    | DECISION ON THE PROSECUTOR'S NON-CONTENTIOUS MOTION FOR THE TRANSFER OF WITNESSES IN DETENTION OR UNDER COURT SUPERVISION PURSUANT TO RULE 90 BIS OF THE RULES OF PROCEDURE AND EVIDENCE   |
| 19/08/2005 | Nyiramasuhuko et al.       | ICTR-98-42-0442 | TC 2    | DECISION ON PROSECUTOR'S MOTION PURSUANT TO RULES 54, 73 AND 73 TER TO PROCEED WITH THE EVIDENCE OF THE ACCUSED NYIRAMASUHUKO AS A WITNESS ON 15 AUGUST 2005 OR IN THE ALTERNATIVE TO PROCEED WITH THE DEFENCE CASE OF THE ACCUSED NTAHOBALI |
| 19/08/2005 | Karemera et al.            | ICTR-98-44-1921 | AC      | APPEAL OF DECISION DENYING PRELIMINARY MOTION ON JOINT CRIMINAL ENTERPRISE   |
| 19/08/2005 | Bizimungu et al.           | ICTR-99-50-0955 | TC 2    | DECISION ON PROSPER MUGIRANEZA'S MOTION FOR AN EXTENSION OF TIME TO FILE A REPLY TO THE PROSECUTION'S RESPONSE TO HIS MOTION FOR JUDGEMENT OF ACQUITTAL PURSUANT TO RULE 98 BIS  |
| 23/08/2005 | Karemera et al.            | ICTR-98-44-1927 | TC 3    | DECISION DEFENCE MOTION FOR FULL DISCLOSURE OF PAYMENTS TO WITNESSES AND TO EXCLUDE TESTIMONY FROM PAID WITNESSES  |
| 23/08/2005 | Nsengimana                 | ICTR-01-69-0042 | TC 2    | DECISION ON APPLICATION BY HORMISDAS NSENGIMANA FOR LEAVE TO APPEAL THE TC'S DECISION ON PROVISIONAL RELEASE   |
| 23/08/2005 | Nyiramasuhuko et al.       | ICTR-98-42-0462 | TC 2    | DECISION ON PROSECUTOR'S EXTREMELY CONFIDENTIAL MOTION UNDER SEAL IN RESPONSE TO THE MOTION OF ARSENE SHALOM NTAHOBALI ON THE DISCLOSURE OF THE IDENTITY AND WILL SAY STATEMENTS OF WITNESSES  |
| 24/08/2005 | Bisengimana                | ICTR-00-60-0052 | TC 2    | DECISION ON THE PROSECUTOR'S REQUEST TO WITHDRAW PROSECUTOR'S MOTION TO AMEND THE INDICTMENT & CORRIGENDUM THEREOF   |
| 26/08/2005 | Nyiramasuhuko et al.       | ICTR-98-42-0488 | TC 2    | DECISION ON THE DEFENCE NOTICE TO ENTER INTO EVIDENCE THE REPORT OF THE INVESTIGATOR RALPH LAKE (ARTICLE 92 BIS RULES OF PROCEDURE AND EVIDENCE)   |
| 26/08/2005 | Nyiramasuhuko et al.       | ICTR-98-42-0489 | TC 2    | DECISION ON THE DEFENCE MOTION TO MODIFY THE LIST OF DEFENCE WITNESSES FOR ARSENE SHALOM NTAHOBALI (RULE 73 TER (E) RULES OF PROCEDURE AND EVIDENCE)   |
| 29/08/2005 | Karemera et al.            | ICTR-98-44-1937 | TC 3    | DECISION ON THE DEFENCE MOTIONS FOR RECONSIDERATION OF PROTECTIVE MEASURES FOR PROSECUTION WITNESSES   |
| 29/08/2005 | Nyiramasuhuko et al.       | ICTR-98-42-0491 | TC 2    | DECISION ON THE PROSECUTOR'S MOTION TO UNSEAL DOCUMENTS SEIZED FROM PAULINE NYIRAMASUHUKO  |
| 30/08/2005 | Zigiranyirazo              | ICTR-01-73-0149 | TC 3    | DECISION RELATIVE A LA REQUETE EN EXTREME URGENCE DE LA DEFENSE AUX FINS DE TRADUCTION DES ELEMENTS ESSENTIELS DU MEMOIRE PREALABLE AU PROCES DU PROCUREUR   |
| 30/08/2005 | Nyiramasuhuko Et Ntahobali | ICTR-97-21-0789 | TC 2    | DECISION ON ARSENE SHALOM NTAHOBALI'S NOTICE OF INTENTION TO FILE ON THE RECORD WRITTEN STATEMENTS OF WITNESSES AND THE TRANSCRIPTS OF THEIR TESTIMONY BEFORE THE ICTR IN LIEU OF ORAL TESTIMONY (ARTICLE 92 BIS ..)                         |



## Visitors to the Tribunal during August 2005

1. 2 August, 2005 - MS-TCDC - Training Centre for Development Cooperation, USA River, Arusha - 10 PAX.

2. 3 August, 2005 - Serengeti Select Safaris (SSS), Arusha - 5 Pax.

3. 9 -10 August, 2005 - Ms. Carolyn McAskie, SRSG-ONUB , Courtesy call on Mr. Lovemore Munlo, Deputy Registrar.

4. 10 - 31 August, 2005 - Dr. Nigel Paul Eltringham - Researcher from the University of Sussex, United Kingdom.

5. 16 August, 2005 - H.E. Dr. Bernard S.M. Berendsen, Ambassador of the Royal Netherlands accredited to the United Republic of Tanzania.

6. 18 August, 2005 - Cross Cultural Solutions (CCS) led by Ms. Karen Doolittle - 12 PAX.

7. 23 - 24 August, 2005 - The Honourable Boureima Badini, Ministre de la Justice et Gardes des Sceaux of Burkina Faso.

8. 25 August, 2005 - Johanna and Emma Dickson, Another Land Tours - 2 PAX.

9. 30 - 31 August, 2005 - Ms. Karolina Bieniek - Trainee of the Embassy of the Republic of Poland in Nairobi.

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