



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda*

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## Tanzania Minister of Justice Visits Tribunal

On 18 January 2008 the Minister of Justice and Constitutional Affairs of the United Republic of Tanzania, Dr. Mary Michael Nagu visited the Tribunal in Arusha.



During her visit, Dr. Nagu, who was accompanied by three other officials including Dr. Stephen Bwana, Judge in charge of the Arusha High Court of

Tanzania, held talks with the President, Judge Dennis Byron, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar Mr. Adama Dieng. Dr. Nagu also met with other senior officials of the Tribunal including the representatives of the ICTR Staff Association, the Chief of External Relations and Strategic Planning Mr. Roland Amoussouga and Ms. Sarah Kilemi, Chief of Administrative Support Services with whom she held a very fruitful discussion on the need to establish a taskforce to look at various ways of assisting and enabling Tanzanian nationals in the Tribunal to be absorbed into the national workforce after the closure of the Tribunal. The Minister promised to lead in the establishment of this taskforce which will include representatives of all relevant Tanzanian Government Ministries and the Tribunal.

The Minister was briefed on the current developments and operations

of the Tribunal as well as implementation of the ICTR Completion Strategy. She also explored ways and means of promoting further cooperation and discussed ICTR capacity building support to the Tanzanian judiciary, transfer of know how, and use of Information Communication Technology (ICT) tools to enhance the Tanzanian judiciary. Issues relating to the ICTR legacy and archives were also discussed.

Dr. Nagu expressed her Government's support to the work of the Tribunal at this critical stage and reiterated Tanzania's commitment to ensure a smooth and successful implementation of the Completion Strategy. She commended the work of the Tribunal saying it had played an important role in promoting peace and security in Rwanda, the Great African Lakes region and the rest of the world. She added that the international community would also draw important lessons from the experience and the achievements of the ICTR.

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**Editor-in-Chief:** Roland Amoussouga

**Editor:** Bocar Sy

**Associate Editor:** Danford Mpumilwa

**Layout/Design:** Rani Dogra

**Contributions:** Koffi Afande, Danford Mpumilwa, Sabel Ndurebarry, Vivian Ntoko, Bocar Sy, Hirondele News Agency

**E-Mail:** [ictpr-press@un.org](mailto:ictpr-press@un.org)

## UN Boss Urges Highest Ethical Standards from Staff

*Kigali, 31 January 2008 (Hirondele News Agency/All Africa Global Media)*



*Mr. Ban Ki-moon and Judge Dennis Byron*

The United Nations Secretary General Ban Ki-moon on 28 January 2008, urged his staff to demonstrate highest standards of ethics while executing their peace missions.

of ethical standards," the UN boss said Tuesday evening when he met the staff of the International Criminal Tribunal for Rwanda (ICTR) stationed in Kigali.

"We must stand on the highest level ICTR, which has its headquarters in

Arusha, Tanzania, is trying the key suspects of the 1994 genocide, which according to UN estimates, claimed lives of 800,000 ethnic Tutsis and moderate Hutus.



Mr Ki-moon also exhorted senior staff to be exemplary to their subordinates. *"Your accountability should be demonstrated from the top. if upstream is not clean, you can't have down stream clean."*

He assured UN staff of his commitment to improve their working environment and safety in order to fulfill their international duty more efficiently and vigorously.

He also reminded the UN staff that he would have zero tolerance towards any reported sexual assaults. *"I have taken very firm disciplinary measures whenever such issue has reached my attention."*

Mr Ki-moon, however, lauded the role of UN servicemen in different countries, saying their undertaking was crucial in maintaining global peace and harmony.

The UN Secretary General later held a closed-door meeting with high level delegation of the International Criminal Tribunal for Rwanda (ICTR), headed by its President Justice Dennis Byron. Others included the Prosecutor Hassan Jallow, the Registrar, Mr Adama Dieng, and ICTR's spokesman, Roland Amoussouga.

It was reliably learnt that Mr Ki-moon was briefed on the exit strategy of the tribunal, which is scheduled to wind up first instance trials by end of December, this year as ordered by the UN Security Council.

### **Speech of Judge Byron at the General Meeting with Mr. Ban Ki-moon in Kigali**

Your Excellency and Mrs. Ban, Distinguished Members of the Secretary General's Delegation, Dear Colleagues

It is a great honour for me to extend a warm welcome to all of you in particular to your Excellency and Mrs Ban to this meeting of the staff of all UN agencies in Kigali. As President of the ICTR, I would like to assure you of the integrity of the ongoing judicial process and express the hope that you will visit the Tribunal in Arusha before the completion of its mandate. Although I am not in charge of the ICTR Administration, which falls under your purview, in view of the fact that the ICTR premises are the venue for this meeting, I am

pleased to speak on behalf of the ICTR staff, Judges and administration wherever they are in Arusha, Kigali, The Hague and New York.

Your Excellency the ICTR Staff members as everyone else here recognise your visit, and the working meetings you are holding, as an implementation of the important concept of "one UN" to which we all belong to which you referred in your 4 January 2008 address. And we are grateful.

The work of the UN is important to the peace and reconciliation in the Great Lakes Region. Your visit to Rwanda highlights your commitment to such a process and provides inspiration to all those involved. This is particularly crucial to the ICTR which is at a critical stage of its completion strategy as we grapple with the Challenges affecting the entire process, the Judges, and Staff Members. Some of these elements will be developed during the working session that is planned at the conclusion of this meeting. Let me assure you, Your Excellency that we are proud of the way you are conducting your noble functions and know that we can count on your support.

Your presence in Kigali also highlights the focus on the rebuilding, development process and consolidation of peace and national reconciliation in Rwanda.

It is a further significant expression of your total support to the staff of all UN agencies that are at the forefront for the implementation of the UN missions and action in Rwanda. Your historical visit will no doubt go a long way in energising the commitment of the staff in the pursuit and realisation of the ideals of the UN that we all cherish

Your Excellencies, I close with the wish that your mission here is successful. I thank you.

### **After Kigali, USG for Legal Affairs Visits ICTR**

Mr. Nicolas Michel, United Nations Under-Secretary General for Legal Affairs arrived in Arusha from Kigali, Rwanda on 30 January 2008 where he had accompanied the UN Secretary-General Mr. Ban Ki-moon on an official visit. While in Kigali, Mr. Michel and the UN Secretary-General visited the Tribunal's office where the Secretary-General held a general meeting with the staff of all UN Rwanda-based agencies. The Secretary-General also held a separate discussion with ICTR senior managers who provided him and his delegation with an overview of some current



Mr. Michel (third from right) with Mr. Dieng (centre) and staff of UNDF and ICTR at UNDF premises

challenges facing the ICTR at this particular juncture of its completion strategy. The Secretary-General praised the work carried out by UN staff in maintaining global peace and harmony. A high-powered delegation from the Headquarters of the Tribunal was present. The delegation was led by ICTR President, Judge Dennis Byron, the Prosecutor, Justice Hassan Bubacar Jallow and the Registrar, Mr. Adama Dieng.

Upon arrival in Arusha, Mr. Michel accompanied by the Registrar, Mr. Adama Dieng and other senior officials of the Registry, was given a guided tour of the United Nations Detention Facility by its commanding officer. At the ICTR Headquarters, Mr. Michel also enjoyed another guided tour of the ICTR premises including the Career Resource Center and the staff welfare facilities organized by Ms. Sarah Kilemi, Chief of the Division of Administrative Support Services. He attended a court hearing as well as a demonstration of real time transcript production and a presentation of ICTR's Total Records and Information Management (TRIM) System in the Court Management Section.



*Mr. Michel addressing the legal staff while Mr. Dieng, Mr. Majola and Ms. Kilemi look on*

During his short visit, the United Nations Under-Secretary General for Legal Affairs held talks with other Tribunal officials including the legal staff. He also held a separate meeting with the President of the ICTR, Judge Dennis Byron and all the judges. The Tribunal officials briefed Mr. Michel on the ICTR Completion Strategy, namely the challenges facing the Tribunal in its operations. In his address to the legal staff, Mr. Michel commended the work of the Tribunal and its staff in promoting international criminal and humanitarian law as well as the rule of law. He also noted that the ICTR has played an important role in fighting the culture of impunity in the world and has developed a strong body of dynamic and talented lawyers and judicial expertise, which are true assets for the United Nations Organization and for its future contribution to national judicial capacity building efforts.

Mr. Nicolas Michel of Switzerland was appointed as Under-Secretary-General for Legal Affairs and United Nations Legal Counsel by the Secretary General Kofi Annan on 18 May 2004

Before joining the UN Mr. Nicolas Michel has been serving as the Legal Adviser of the Swiss Federal

Department of Foreign Affairs. Mr. Michel used to be Director of the International Law Directorate in the Swiss Federal Department of Foreign Affairs. In this capacity, he was the head of the Swiss delegation in international conferences, including the Preparatory Commission for the International Criminal Court and the Assembly of States Parties to the Rome Statute. He also acted as the head of the Swiss delegation for the presentation of national reports before international committees (racial discrimination, rights of the child, minorities). Mr. Michel was Professor of International Law and European Law at the University of Fribourg, Switzerland (1987-1998). Earlier in his career, Mr. Michel served as the Secretary-General of the Department of Education and Culture of the canton of Fribourg, Switzerland (1980-1985). Mr. Michel holds degrees in law (such as "licence", PhD, "Privat Dozent") from the University of Fribourg, Switzerland, as well as a Master of Arts (International Relations) from Georgetown University, Washington D.C. He is the author of numerous books and articles on international and European law. He is also a licensed attorney at law.

## ICTR Judicial Activities

- **Former Witness Sentenced to 9 Months for Contempt**

Trial Chamber III of the International Criminal Tribunal for Rwanda (ICTR) sentenced on 3 December 2007 former witness GAA to nine months imprisonment for contempt of the Tribunal and false testimony under solemn declaration. During the session, the former witness GAA pleaded guilty to Count II (contempt of the Tribunal) of the Amended Indictment dated 28 November 2007. He had previously pleaded guilty to Count I (giving false testimony under solemn declaration) during his initial appearance.

In presenting his closing argument, the Defense Counsel of the former witness GAA, Mr. Maruma requested the Chamber to take into consideration mitigating circumstances such as the willingness of the accused to enter a guilty plea, his family situation, his considerable cooperation with the Prosecutor and the fact that he was induced to commit the crime.

Previously a plea agreement was entered into by the accused and the Prosecutor. The Trial Chamber composed of Judge Dennis Byron presiding; Gberdao Gustave Kam and Vagn Joensen said that it accepted the plea agreement and was satisfied that the guilty plea was made voluntarily without pressure, threats, or promises, and that the former witness GAA was sufficiently informed regarding the effects of his plea.

GAA was arrested in Kigali, Rwanda on 30 July 2007 and transferred to the Tribunal on 1 August 2007. At his initial appearance, the former witness code named GAA, admitted that he willingly gave the false testimony when he appeared before the Appeals Chamber on 18 May 2005 in the case of Jean de Dieu Kamuhanda who appealed against his conviction and



sentence. GAA repeatedly acknowledged that his testimony was false and asked for forgiveness.

This is the Tribunal's first prosecution for contempt of court and for giving false testimony during its proceedings. The case arises out of an investigation by the Office of the Prosecutor on the direction of the Appeals Chamber. On 23 March 2007, the ICTR Prosecutor issued a 6 count indictment against GAA.

The former witness was represented by Mr. C. J. Maruma, a duty counsel and Mr. Richard Karegyesa, Senior Trial Attorney, was leading the Prosecution team, Abdoulaye Seye, Florida Kabasinga and Dennis Mabura.

- **Karera Sentenced to Imprisonment for the Remainder of his Life**



Trial Chamber I of the the International Criminal Tribunal for Rwanda (ICTR), on 7 December 2007 sentenced François Karera former Prefect of Kigali-Rural, to life imprisonment for the remainder of his life after finding him guilty of genocide and crimes against

humanity based on his participation in the killing of Tutsis in April 1994. The Trial Chamber found Karera guilty on three of the four counts against him. He was acquitted of complicity to commit genocide, which was an alternative count to genocide.

In mid-April 1994, buses full of Hutu militiamen and soldiers arrived in Ntarama sector and attacked the Tutsi refugees who were gathered at Ntarama Church, killing several hundreds of Tutsis. Karera was present and encouraged the attackers. In April and May 1994, Tutsis were also killed in Rushashi commune in Kigali-Rural prefecture and in Nyamirambo sector in Nyarugenge commune, Kigali-Ville prefecture, mainly at roadblocks. François Karera ordered or instigated these acts. He was found to have participated in genocide, extermination and murder.

In sentencing Karera to imprisonment for the remainder of his life for his role in the above crimes, the Chamber took into account in particular his position of authority and the number of victims who were killed at Ntarama Church.

On 4 May 2006, the Prosecution closed its case. The Defence closed its case on 23 August 2006. The Chamber heard 18 Prosecution witnesses and 25 Defence witnesses, including Karera, over 33 trial days, 15 of which were half days. Between 1 and 3 November 2006, the Chamber conducted a visit to the alleged crime sites in Rwanda.

François Karera was arrested in Kenya on 20 October 2001. The trial commenced on 9 January 2006 before Trial Chamber I composed of judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russian Federation) and Florence Rita Arrey (Cameroon). Karera was represented by Carmelle Marchessault and Steven Kelliher, both from Canada.

The Prosecution team included Charles Adeogun-Phillips, Adesola Adeboyejo, Peter Tafah, Memory Maposa and Florida Kabasinga.

- **Closing Arguments Presented in Nchamihigo Trial**

The Prosecutor and the Defence in Siméon Nchamihigo's case on 22 January 2008 presented their closing arguments. The Prosecutor called on Trial Chamber III to sentence the accused to life imprisonment while the Defence prayed for an acquittal of the accused. The date for the judgement will be announced later.



The Prosecution argued that evidence against Nchamihigo, a former Deputy Prosecutor of the Cyangugu prefecture, has proved that he was responsible for planning, instigating, ordering, committing, and aiding and abetting the killings of Tutsis in his prefecture. It said evidence showed that the accused was responsible for recruiting, organising and training of youth militias to commit the massacres in the prefecture.

It further argued that Nchamihigo, as a senior civil servant, had the option not to take part in the crimes, like the many other senior judicial officials in Rwanda had done, but *"he deliberately decided to pursue the path of crimes."*

The Defence, on its part, prayed for the acquittal of the accused, arguing that the Prosecution had failed to prove beyond reasonable doubt the case against the accused. It added that Nchamihigo was a man of good character and a good father. Speaking on his own behalf the accused maintained his innocence and asked the court to find him not guilty adding that he however regretted the tragedy which befell Rwanda in 1994. Nchamihigo further said that he believed he would have been acquitted had he been co-charged with others in the Cyangugu trial – Immanuel Bagambiki and André Ntagerura - who were found not guilty by the ICTR.

Nchamihigo, who was also Secretary for the *Coalition pour la Défense de la République* (CDR) in Cyangugu was arrested in Arusha, Tanzania on 19 May 2001 and transferred to the Tribunal's Detention Facility on 25 May 2001. He was charged with four counts of genocide, murder, extermination and other inhumane acts as crimes against humanity. His trial began on 25 September 2006 and ended on 21 September 2007 after 58 trial days during which the Prosecution called 24 witnesses and the Defence 36.

The Prosecution was led by Alphonse Van and assisted by Adama Niane, Lloyd Strickland and Madeleine Schwarz while Counsel for Defence was Mr. Denis Turcotte assisted by Benoît Henry, both from Canada. The case was heard before Judges Dennis Byron, presiding, Gberdao Gustave Kam and Robert Fremr.



### Judicial Decisions of the ICTR from 1 December 2007 to 31 January 2008

Date Created	Record Number	Title	TC
04/12/2007	ICTR-00-55B-0014/1	HATEGEKIMANA - DECISION ON REQUESTS BY THE REPUBLIC OF RWANDA, THE KIGALI BAR ASSOCIATION, THE ICDA, AND ADAD FOR LEAVE TO APPEAR AND MAKE SUBMISSIONS AS AMICUS CURIAE	TC 3
04/12/2007	ICTR-00-55B-0014/2	HATEGEKIMANA - DECISION RELATIVE AUX DEMANDES FORMEES PAR LA REPUBLIQUE DU RWANDA, LE BARREAU DE KIGALI, L'AIAD ET L'ADAD AUX FINS D'ETRE AUTORISES A COMPARAITRE ET A PRESENTER DES OBSERVATIONS EN QUALITE D'AMICI CURIAE	TC 3
04/12/2007	ICTR-00-55B-0015/2	HATEGEKIMANA - DECISION PROTANT CALEDNIER DU DEPOT DES ECRITURES DES PARTIES	TC 3
05/12/2007	ICTR-99-50-1737	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUPAKA'S MOTIONS TO MEET WITH PROSECUTION WITNESSES GFA AND GKB	TC 2
06/12/2007	ICTR-98-44-3260	KAREMERA ET AL - DECISION ON MOTION FOR LEAVE TO WITHDRAW APPEAL	TC 3
06/12/2007	ICTR/01/2067-0036/2	KAYISHEMA - DECISION RELATIVE A LA DEMANDE FORMEE PAR LE BARREAU DE KIGALI AUX FINS D'ETRE AUTORISE A COMPARAITRE EN QUALITE D'AMICI CURIAE	TC 3
06/12/2007	ICTR-96-8-0464	DECISION ON NDAYAMBAJE'S EXTREMELY URGENT MOTION REGARDING PERMISSION FOR EACH OF NDAYAMBAJE'S COUNSEL TO BRING LAPTOP INTO THE UNDF TC II	TC 2
06/12/2007	ICTR/01/2072-0269	BIKINDI - DECISION ON DEFENCE MOTION FOR JUDICIAL VIEW OF THE LOCUS IN QUO	TC 3
06/12/2007	ICTR/01/2067-0035	KAYISHEMA - DECISION ON THE REQUEST FOR PERMISSION TO FILE AN AMICUS CURIAE BRIEF, INTERNATIONAL CRIMINAL DEFENCE ATTORNEYS ASSOCIATION (ICDAA) CONCERNING THE PROSECUTOR'S REQUEST FOR REFERRAL OF THE CASE OF FULGENCE KAYISHEMA TO RWANDA PURSUANT TO RULE	TC 3
06/12/2007	ICTR/01/2067-0036/1	KAYISHEMA - DECISION ON THE APPLICATION BY THE KIGALI BAR ASSOCIATION FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
06/12/2007	ICTR-97-36A-0029	MUNYAKAZI - DECISION ON THE APPLICATION BY THE KIGALI BAR ASSOCIATION FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
06/12/2007	ICTR-97-36A-0030	MUNYAKAZI - DECISION ON THE APPLICATION BY THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEY'S ASSOCIATION (ICDAA) FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE	TC 3
07/12/2007	ICTR/01/2072-0270	BIKINDI - CORRIGENDUM TO THE DECISION ON THE DEFENCE MOTION FOR JUDICIAL VIEW OF THE LOCUS QUO	TC 3
10/12/2007	ICTR-98-42-0763	NYIRAMASUHUKO ET AL - DECISION ON NYIRAMASUHUKO'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION OF 5 NOVEMBER 2007 AND NTAHOBALI'S MOTION FOR CERTIFICATION TO APPEAL THE DECISIONS OF 5 AND 12 NOVEMBER 2007	TC 2
12/12/2007	ICTR-00-56-0883/2	NDINDILIYIMANA ET AL - REACTION A LA DECISION DU 30 NOVEMBRE 2007 RENDUE D'OFFICE PAR LA CHAMBRE DE PREMIERE INSTANCE AUX FINS DE PRECISIONS	TC 2
12/12/2007	ICTR-00-56-0883/1	NDINDILIYIMANA ET AL - REPLY TO PROPRIO MOTU DECISION BY TC FOR CLARIFICATION OF 30 NOVEMBER 2007	TC 2
13/12/2007	ICTR/01/2067-0037	KAYISHEMA - DECISION ON THE MOTION BY ADAD ( THE ORGANIZATION OF ICTR DEFENCE COUNSEL ) FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
13/12/2007	ICTR/01/2072-0271	BIKINDI - DECISION ON DEFENCE MOTION FOR CLARIFICATION OR MODIFICATION OF RULING ON DISCLOSURE OF DEFENCE WITNESS STATEMENTS	TC 3
13/12/2007	ICTR-97-36A-0031	MUNYAKAZI - DECISION ON THE MOTION BY ADAD ( THE ORGANIZATION OF ICTR DEFENCE COUNSEL ) FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
14/12/2007	ICTR/01/2070-0382	RUKUNDO - DECISION ON DEFENCE REQUEST FOR CERTIFICATION TO APPEAL OR IN THE ALTERNATIVE RECONSIDERATION OF THE CHAMBER'S DECISION OF 30 NOVEMBER 2007	TC 2
14/12/2007	ICTR/01/2070-0383	RUKUNDO - DECISION ON THE HAGUMA REPORT	TC 2
14/12/2007	ICTR-05-88-0027	KALIMANZIRA - DECISION ON DEFENCE MOTION FOR PROTECTIVE MEASURES	TC 1
14/12/2007	ICTR-00-56-0885	DECISION ON NDINDILIYIMANA'S REQUEST FOR THE COOPERATION OF THE KINGDOM OF BELGIUM FOR THE APPEARANCE OF WITNESSES CBP3 AND CBP4	TC 2



Date Created	Record Number	Title	TC
14/12/2007	ICTR-05-85-0037	BUCYIBARUTA - DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE MODIFICATION DES MESURES DE PROTECTION DES TEMOINS	TC 3
14/12/2007	ICTR-05-87-0037	MUNYESHYAKA - DECISION RELATIVE A LA REQUETE DU PROCUREUR AUX FINS DE MODIFICATION DES MESURES DE PROTECTION DES TEMOINS	TC 3
19/12/2007	ICTR-98-44-3269	KAREMERA ET AL - DECISION ON THE CONFIDENTIAL AND EX PARTE PROSECUTION MOTION TO WITHOLD DISCLOSURE OF EMAIL CORRESPONDANCE CONCERNING WITNESS AMA (RULE 66 (C) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 3
19/12/2007	ICTR-98-44-3270/1	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK	TC 3
19/12/2007	ICTR-98-44-3270/2	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK-ANNEX A	TC 3
19/12/2007	ICTR-98-44-3270/3	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK-ANNEX B	TC 3
19/12/2007	ICTR-98-44-3270/4	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK-ANNEX C	TC 3
19/12/2007	ICTR-98-44-3270/5	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK-ANNEX D	TC 3
19/12/2007	ICTR-98-44-3270/6	KAREMERA - OTP'S SUBMISSIONS PURSUANT TO TC III ORAL DECISION ON ADMISSION OF EVIDENCE OF 5 DECEMBER 2007- EDOUARD KAREMERA BOOK-ANNEX E	TC 3
21/12/2007	ICTR/01/2074-0145	KARERA - DECISION FRANCOIS KARERA'S MOTION FOR EXTENSION OF TIME FOR FILING THE NOTICE OF APPEAL	AC
04/01/2008	ICTR-00-55B-0025	HATEGEKIMANA - DECISION ON THE PROSECUTOR'S URGENT REQUEST FOR AN EXTENSION OF TIME TO REPLY TO DEFENCE SUBMISSIONS	TC 3
09/01/2008	ICTR/01/2074-0147	KARERA - DECISION ON REQUESTS FOR EXTENSION OF TIME FOR FILING THE NOTICE OF APPEAL AND/OR FOR RECONSIDERATION	AC
14/01/2008	ICTR/01/2067-0043	KAYISHEMA - DECISION ON THE PROSECUTOR'S URGENT REQUEST FOR EXTENSION OF TIME TO RESPOND TO THE BRIEF FILED BY HUMAN RIGHTS WATCH	TC 3
15/01/2008	ICTR-98-44-3296	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S MOTION FOR AN EXTENSION OF TIME TO RESPOND TO JOSEPH NZIRORERA'S MOTION TO EXCLUDE EVIDENCE OF UN-PLEADED MATERIAL FACTS	TC 3
15/01/2008	ICTR-98-44-3295	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR EXTENSION OF TIME	TC 3
16/01/2008	ICTR/01/2069-0100	NSENGIMANA - DECISION ON JUDICIAL NOTICE OF FACTS OF COMMON KNOWLEDGE	TC 1
17/01/2008	ICTR/01/2069-0101	NSENGIMANA - DECISION ON PROSECUTION URGENT MOTION FOR THE TRANSFER OF DETAINED WITNESS BXM	TC 1
18/01/2008	ICTR-98-44-3303	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR UNSEALING EX PARTE SUBMISSIONS AND FOR DISCLOSURE OF WITHHELD MATERIALS	TC 3
18/01/2008	ICTR-98-44-3301	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOUARD KAREMERA EN PROROGATION DE DELAI POUR SOUMETTRE LES INFORMATIONS ET DOCUMENTS REQUIS PAR L'ARTICLE 73 TER DU REGLEMENT	TC 3
18/01/2008	ICTR-98-44-3302	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE AUX FINS DE L'EXCLUSION DE LA DEPOSITION DU TEMOIN AXA SUR LA BASE DU RAPPORT MEDICAL COMMUNIQUE AUX PARTIES LE 4 DECEMBRE 2007	TC 3
21/01/2008	ICTR-98-44-3304	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR COOPERATION OF THE GOVERNMENT OF RWANDA: RPF ARCHIVES	TC 3
23/01/2008	ICTR-99-50-1754/2	BIZIMUNGU ET AL - DECISION RELATIVE A LA REQUETE CONFIDENTIELLE DE BICAMUPAKA INSTITUEE "CONFIDENTIAL MOTON FROM DEFENDANT BICAMUPAKA TO ALLOW VIDEO-LINK TESTIMONY FOR WITNESS CF-1"	TC 2
23/01/2008	ICTR-99-50-1753	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUPAKA'S REQUEST FOR A SUBPOENA (RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2



Date Created	Record Number	Title	TC
23/01/2008	ICTR-99-50-1754/1	BIZIMUNGU ET AL - DECISION ON CONFIDENTIAL MOTION FROM MR. BICAMUMPAKA TO ALLOW VIDEO-LINK TESTIMONY FOR WITNESS CF-1 (RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
23/01/2008	ICTR-96-14-0437	NIYITEGEKA - DECISION ON THIRD REQUEST FOR REVIEW	AC
23/01/2008	ICTR-99-50-1756	BIZIMUNGU ET AL - DECISION ON MOTION OF JEROME-CLEMENT BICAMUMPAKA FOR THE TRANSFER OF DETAINED DEFENCE WITNESS LD-1 FROM RWANDA (RULES 54 AND 90 BIS OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
23/01/2008	ICTR-99-50-1755	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S REQUEST FOR A SUBPOENA (RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
23/01/2008	ICTR-98-44-3309	KAREMERA ET AL - DECISION ON THE PROSECUTION'S INTERLOCUTORY APPEAL CONCERNING DISCLOSURE OBLIGATIONS	TC 3
24/01/2008	ICTR-99-50-1759	BIZIMUNGU ET AL - URGENT DECISION ON PROSPER MUGIRANEZA'S MOTION FOR THE TESTIMONY OF WITNESS RDG TO BE TAKEN BY DEPOSITION AND CHAMBER'S ORDER FOR VIDEO LINK TESTIMONY (RULE 54 AND 71 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
25/01/2008	ICTR-98-44-3312	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S MOTION FOR ADMISSION OF CERTAIN EXHIBITS INTO EVIDENCE	TC 3
28/01/2008	ICTR-99-50-1763	BIZIMUNGU ET AL - 2. DECISION ON PROSPER MUGIRANEZA'S MOTION TO EXTEND DEADLINES IN SCHEDULING ORDER OF 4 DECEMBER 2007 AND ORDER FOR REDUCTION OF WITNESS LIST – RULES 73, 54 AND 73ter OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
29/01/2008	ICTR-99-50-1764	BIZIMUNGU ET AL - EXTREMELY URGENT DECISION RECONSIDERING TRIAL CHAMBER'S DECISION OF 24 JANUARY 2008 AND ORDER FOR THE TESTIMONY OF WITNESS RDG TO BE TAKEN BY DEPOSITION - RULE 71 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
29/01/2008	ICTR-98-44-3316	KAREMERA ET AL - DECISION RELATIVE A LA SECONDE REQUETE D'EDOUARD KAREMERA EN PROROGATION DE DELAI SUPPLEMENTAIRE POUR SOUMETTRE LE INFORMATIONS ET DOCUMENTS REQUIS PAR L'ARTICLE 73 TER DU REGLEMENT	TC 3
30/01/2008	ICTR-98-44-3317	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S APPLICATION FOR EXTENSION OF TIME TO FILE CONSOLIDATED RESPONSE TO DEFENCE MOTIONS FOR JUDGEMENT OF ACQUITTAL	TC 3
31/01/2008	ICTR-00-56-0890	NDINDILIYIMANA ET AL - DECISION ON NZUWONEMEYE'S REQUEST TO VARY HIS WITNESS LIST ( Rule 73 ter (E) of the RPE	TC 2

## ICTR President and Prosecutor Address the UN Security Council

***On 10 December 2007, the President and the Prosecutor of the ICTR presented their bi-annual report on the Completion Strategy of the Tribunal. Every six months they address the United Nations Security Council on the progress made by the Trial Chambers to reach the deadline of December 2008 and 2010 by the Appeals Chambers.***

### • Address by Judge Dennis Byron, President

Mr. President, Your Excellencies, Ladies and Gentlemen,

I am greatly honoured to address the distinguished members of the Security Council and present the second annual assessment of the International Criminal Tribunal for Rwanda's Completion Strategy, for the period June 2007 up to the present time.

In August, one new indictment was issued, to

prosecute a witness for giving false testimony. It was the first such case in the history of both International Tribunals and an important mechanism for protecting the integrity of the judicial process. Final Trial Chamber judgements were delivered and sentences were imposed against three persons including the case for false testimony. Cases of two accused were referred to France.

The evidence phase in the trials against five persons was completed bringing the total in the judgement writing phase to 9 persons. Trials are in progress against 18 persons in the four multi-accused cases and in one single-accused case commenced during the reporting period. There are three detainees awaiting transfer to the Tribunal. The case of *Baragaragaza* which had been transferred to the Netherlands, met technical difficulties there and has been referred back to the Tribunal for disposition. In addition, two of the fugitives arrested during this reporting period await the completion of the judicial process for their transfer to the Tribunal, one in Germany and one in France. At the Tribunal, there are





two detainees whose trials are due to commence early in 2008 and four detainees whose cases for referral to a national jurisdiction are pending. There are 14 fugitives still at large.

I should recall that in previous reporting periods, one accused died before trial, and two indictments were withdrawn. One of these, Bernard Ntuyahaga was tried in Belgium earlier this year. In summary therefore, of the 91 indictments issued, 41 have been disposed of, 36 are under active judicial management and there are 14 fugitives at large.

This reporting period has seen substantial achievements despite unexpected problems. The Tribunal was saddened by the sudden passing of Mr. Gaudreau, a Canadian citizen who was Lead Counsel for Jérôme Bicomumpaka in the *Bizimungu et al.* trial, which necessarily caused a hiatus until his replacement.

The Judicial Calendar for 2008 projects the delivery of final judgements in all cases, referred to above, that are in the judgement writing phase. The evidence phase in the cases of the accused whose trials are in progress, will be completed, except for the multi-accused case of *Karemera et al* about which there have been previous reports and the case of *Augustin Ngibaratware* who is yet to be transferred to the Tribunal following his recent arrest in Germany. The cases of the accused in detention awaiting trial should be completed with the four courtrooms at maximum utilisation during the entire year. This cautions that if there are new cases for trial resulting from arrest of the 14 fugitives still at large, difficulties with the referral of cases to national jurisdictions for trial, any new indictments, or unexpected developments in the cases already planned for trial, special arrangements will have to be made.

At the Appeals' level, two judgements concerning four accused were delivered during the reporting period. This brings to 24 the total number of persons whose judgements have been completed at the appellate level. There are currently two accused with pending appeals.

I should highlight that the Appeal Chamber delivered its decision in the *Media* case of the Trial Chamber, presided by Judge Pillay of South Africa which set for the first time at International Criminal Law standards applicable to the responsibility of journalists for serious crimes against Humanitarian Law. However, the complexity of the appellate progress was evidenced by the fact that the Trial Chamber decision had been delivered during the year 2003. Your Excellencies, it is, indeed, not too early to make plans for the completion of the Tribunal's appellate functions. As we consider the number of cases and referral proceedings in progress it is expected that during 2008, the appeal workload will substantially increase, and the same is true for the ICTY. I would venture to suggest that, unless it is supplemented, the Appeal Chamber would not have sufficient capacity to complete its anticipated workload by December 2010. This is a circumstance which needs to be urgently addressed and perhaps as soon as June 2008.

The significant results of the Tribunal over the last six months are indisputably due to the coordinated efforts of all sections within the Tribunal. The Tribunal's ability to maintain and improve upon its current level of efficiency, however, remains largely dependant on the retention of its highly experienced and qualified Judges and staff.

The Tribunal has been pursuing best efforts to persuade the Security Council and General Assembly to make special provisions to assist in retaining its staff. The crisis will undoubtedly escalate as we get closer to December 2008. I am aware that the issue is being actively considered by the relevant committees and officials. At this juncture I would like to invite your Excellencies to authorise and require the Secretary General to take all reasonable measures to ensure that the Tribunal is able to retain its staff in order to achieve its mandate strategy.

In relation to the permanent judges, I would simply like to express my solidarity with my colleague President Pocar on the issue of pensions.

At the ICTR, however, there is the special case of the *ad litem* judges who have contributed equally with the permanent judges in the achievements and efficiencies that the Tribunal has exhibited. The Council's decision to extend the mandate of permanent and *ad litem* judges provided the Tribunal with the continuity, stability and experienced Judges that was necessary for an expeditious completion of our mandate. It is our submission that a necessary sequel to that decision is to make further adjustments to the mandate of the *ad litem* judges to consolidate achievements and further efforts to achieve the completion strategy.

The Tribunal has benefited from the cooperation and assistance of States which is paramount to the successful accomplishment of the Tribunal's mission. In that regard I must record, with approbation, that during the reporting period France has received two referral cases and that there were arrests of four fugitives, three in France and one in Germany. Yet there are still the 14 fugitives who remain at large. Failure to arrest and bring them to justice will seriously undermine the purpose for which the Tribunal was established. On behalf of the Tribunal, I once again call upon Member States to guarantee the arrest and transfer of these fugitives without delay.

The relocation of acquitted persons has become a matter for your attention. Two acquitted persons remain under the protection of the Tribunal in Arusha. The Registrar continues to make strenuous attempts to find a country of residence for them, but without positive results to date. Your Excellencies, I kindly request your support and assistance in finding and imposing a sustainable solution.

In compliance with Security Council Resolution 1503, the Tribunal and various stakeholders of the justice sector in Rwanda have continued to work to strengthen the capacity of the judicial system of Rwanda. Through its Outreach Programme, the Tribunal continues to raise awareness on its activities through multifaceted activities in partnership with





academic institutions, the media and organizations of the civil society. In November, the Tribunal co-organized a three-day symposium in Arusha, focusing on the legacy of the Tribunal. Delegates from the African legal community contributed to valuable discussions on the work of the Tribunal and mechanisms for disseminating the lessons learnt to inform international law and assist in the development of legal systems in the Great Lakes region.

During the reporting period, significant progress has also been made in addressing one of the important residual and legacy issues – the Tribunals' archives. An Advisory Committee on Archives has engaged in informal consultations with governments, civil society and NGOs, victims groups and international organizations, in Rwanda and elsewhere. Its report, which is expected to be presented before the next reporting period, will assist the Tribunals to provide informed recommendations to the Security Council for its consideration and ultimate decision-making.

Mr. President, Excellencies, the impact of the Tribunal's work has already extended beyond the number of persons prosecuted and judgements rendered. One of the fundamental and lasting contributions of the Tribunal is bringing justice to the peoples of Rwanda and the Great Lakes Region. Justice is an essential element of peace and reconciliation. There will be no lasting peace if there is no credible international justice perspective that unites on a higher level, the peoples of Rwanda and the Great Lakes Region, who have suffered from the heinous crimes committed in 1994.

On behalf of the Tribunal, Mr. President, Excellencies, I want to take this opportunity to thank the Security Council, the Secretariat and the Member States for their steadfast support to the Tribunal which is crucial to the accomplishment of its work. I, respectfully, request the continued assistance of all Member States as we pursue our commitment to complete the ongoing trials in light of the completion strategy and to guarantee the triumph of international justice and the fight against impunity.

Thank you

- **Statement by Justice Hassan B. Jallow, Prosecutor**

Mr. President, Your Excellencies,

The revised Completion Strategy document submitted by President Byron on the 16 November 2007 following consultations with the Prosecutor and the Registrar sets out in great detail the progress so far made at the ICTR in the implementation of its Completion Strategy. It has been supplemented by the President's presentation as well this morning. I shall therefore not be going into great detail about the matters already covered by them.

Suffice it to report that recent judgments have now brought the number of accused whose cases have been completed to 35. There are now 6 accused persons in the Arusha UNDF awaiting trial, including the 4 detainees in respect of whom the Prosecutor has filed requests for the transfer of their cases to Rwanda.

Currently 23 accused, including those whose cases have been adjourned for judgment, are standing trial. We expect the transfer shortly to the ICTR of three other accused persons, two of whom were recently arrested in Europe. The third person – Michel Bagaragaza returns to Arusha following the revocation of transfer of his case to Holland. It had been determined in Holland, following the referral of his case by the ICTR, that the Dutch Courts cannot exercise jurisdiction over his case. His trial will therefore proceed in Arusha.

With the intensification of tracking activities and the cooperation of some states, the number of fugitives has dropped from 18 to 14 following arrests in France and the Federal Republic of Germany. I would like to convey our appreciation of the cooperation of both France and Germany in this regard. Of these fourteen fugitives including Felicien Kabuga four are considered sufficiently high level for trial in Arusha.

The implementation of the strategy for the referral of cases to national jurisdictions effectively got under way with the decision of the Trial Chamber in November 2007, to transfer under R11 bis to France the cases of two indictees currently resident in France. The trials of these two indictees will now proceed in France. Again I would like to thank the government of France for accepting to share the workload of the ICTR by prosecuting these persons before its courts.

There are now pending before the Trial Chamber five requests by the Prosecution for the transfer of cases to Rwanda, four of which are in respect of detainees in Arusha and the fifth one in respect of a fugitive. I intend to shortly file additional requests for referral under Rule 11bis of the cases of more indictees to Rwanda. The latter is currently the only jurisdiction willing to take any cases from the ICTR.

The year ahead is of critical importance to the Completion Strategy of the ICTR. The Security Council will recall that it had requested the ICTR, and indeed the ICTY as well, to conclude all trial activities at first instance by 31 st December 2008 and in this regard, to concentrate on the prosecution of the most senior leaders and transfer the rest to competent national jurisdictions for trial.

As we end this year and prepare for 2008, the crucial question is whether the ICTR will be able to complete all its trial activities by the end of 2008 as envisaged by the Completion Strategy.

The ICTR's commitment to and optimism for attainment of this target remains as strong as before. As the report indicates, the Tribunal expects to complete its current workload in relation to the detainees now on trial or awaiting trial by the end of 2008. With the sole exception of the Karemera case which as the President has indicated, will probably run into 2009. This is largely due to the fact that this major multi-accused case had to recommence *de novo* in September 2005 following the disqualification of the trial judges who had hitherto been trying the case. Whilst in respect of the other cases, trial proceedings are expected to end in December 2008, a number of

cases will also be in the judgement writing phase in 2009. The OTP has already prepared the cases of the six remaining detainees and is ready to proceed to trial in the event of any non-referrals. We thus remain optimistic with regard to completion.

Your Excellencies will however recall that in both my reports of 15 th December 2006 and 18 th June 2007, I had alerted the Security Council to the fact that if for any reason, referrals of cases to Rwanda prove impossible, this will result in a substantial increase in the workload of the ICTR.

Whilst we are still in a position to conclude the trials of detainees whose referral is not possible, the management of the cases of fugitives whose cases are not transferred to Rwanda will pose a more difficult challenge. A final judicial determination of the pending requests for referral to Rwanda would facilitate the search for solutions to this issue.

Similarly, if new arrests were to be made in 2008, this would add to our workload and the Council would have to decide whether to enable the tribunal continue with the trial of such cases or explore other alternatives.

I am merely at this stage alerting the Security Council to a possible increase in the workload of this tribunal in 2008 which may impact on the timeline for completion of trials. If for any reason the workload does in fact increase we shall be submitting specific recommendations to the Security Council for its consideration.

The efforts of our tracking team have been intensified with good results as demonstrated by the four arrests since the last report to the Security Council. INTERPOL has also shown a strong interest in assisting with the arrests of the fugitives and has recently agreed with the ICTR on some measures for cooperation in this respect. Consultations are ongoing with various parties including the UN Secretariat, the MONUC, DRC government and other member states regarding those fugitives suspected to be in the DRC. It is probable that further arrests can be effected in the course of 2008.

Felicien Kabuga remains one of the fugitives still evading justice. The joint Task Force between the ICTR and the Kenyan government submitted its report to both the government and the ICTR in August 2007 with a number of recommendations on the way forward. In my consultations last month the government reaffirmed its commitment to cooperate fully with the Tribunal with a view to inter alia tracking down Kabuga for trial. The government and the ICTR have agreed on a number of measures which will now be implemented by the Task Force and by the Kenyan government within a specific time frame which has been agreed with the government. I wish to thank the member states whose intervention made this progress possible and encourage them to maintain their particular interest and support for the ICTR in this matter. We now look forward, in the light of these recent assurances, to Kenya fulfilling its commitments and obligations.

Rwanda continues to cooperate with the Tribunal. The capacity building program for Rwanda continues to be implemented; the OTP has, with the help of funding from the European Union, already delivered a number of training programmes for various categories of officials within the Office of the Prosecutor General in Rwanda. Areas covered included investigations and prosecutions, the use of information technology to provide trial support and the management of records. The overall objective is to contribute to efforts to improve the legal system in Rwanda.

Since my last report to the Security Council some progress has been made in the investigation of the allegations against members of the RPF. We look forward to concluding this matter early next year.

A number of countries have now established special offices to investigate and prosecute within their territory the offences of genocide, crimes against humanity and war crimes committed by residents. This is a welcome development that can contribute significantly to the global campaign to combat these serious violations of human rights. The OTP is already providing support to some of these national agencies. It is probable that some of these agencies will continue to operate well after the closure of the Tribunal. But they will continue to require support, particularly with regard to access to the OTP evidentiary data base. We plan to convene a meeting early in 2008 with a selected number of such national agencies in order to enhance modalities for sharing of information and general cooperation now and beyond the closure of the Tribunal.

Finally Mr. President, Your Excellencies, I would like to express my profound appreciation to the Security Council for its decision of 14 th September 2007, to reappoint me as Prosecutor of the ICTR for a further four year term, subject to earlier termination upon completion of the work of the Tribunal.

I wish to acknowledge the support of both the Council and the Secretariat for its support in the discharge of my mandate. I shall do my utmost to discharge my responsibilities for the effective enforcement of international criminal justice. I thank you.

### **ICTR Launches Career Resource Centre**

The Career Resource Centre has as one of its objectives; *"To provide skills to enable and support*



*From left to right: Mr. Dieng, Ms. Kilemi, Judge Byron and Justice Jallow*

*staff members in making well-informed career and life decisions before and after the closure of the Tribunal."* The Centre was officially jointly opened by the President, the Prosecutor and the Registrar of the ICTR on 22 January 2008. The opening coincided with the Joint Appellate Advocacy Training Program (JAATP) of ICTY, ICC and ICTR. The occasion was also marked by the award of certificates to staff members who successfully passed the 2007 Language Proficiency Examination (LPE).



*Ms. Kilemi, Justice Jallow, Judge Byron and Mr. Dieng with recipients of LPE Certificates*

During the launch, the President noted that the final phase of the Tribunal's Completion Strategy presents new challenges, complexities and dynamics which require constant review of our coping strategies. He expressed the fact that he was encouraged by the ICTR management's awareness of these challenges and its efforts to address them.

The Prosecutor, in his address underscored that in times of rapid change, there is need to build a multi-skilled, versatile and mobile international civil service as well as an organizational culture to promote managerial excellence, high performance and continuous learning. He also expressed hope that the new Career Resource Centre will provide an environment for ICTR staff to realize these objectives. In his address, the Registrar reaffirmed the commitment of ICTR management to support career development of staff at all levels as part of our completion strategy. The management is very much aware of the fact that through training, which is one aspect of career development, we are investing in our staff members, thereby strengthening their knowledge of the core values; developing their organizational core and managerial competencies; and building the substantive and technical skills required to realize the objectives of the tribunal and those of the UN as an organization.

#### Programmes offered by the CRC:

- **Career Development and Support:** These programmes are designed to assist participants to identify skills, competencies, interests, goals and strategies leading to career satisfaction. Such courses include preparing a PHP, cover letters, PHP/resumés, as well as the development of communication and interviewing skills.
- **Upgrading of Substantive Technical Skills:** These programmes provide tools to maintain and update

specialised competencies needed to carry out substantive work.

- **Continuing Legal Education and Retooling Programmes:** Programmes in this area include administrative skills improvement, legal writing, legal education, special leave with/out pay for career development, professional certification programmes and joint appellate and advocacy training programmes (JAATP).
- **Staff Welfare Activities and Separation Entitlements:** The Centre offers workshops and video sessions on stress management, crisis management and critical incident stress management. The Centre supports the Staff Outreach Support (SOS) network. Other programmes include pre-retirement, induction of newly recruited staff and UN rules and regulations. The Centre also provides advice in respect of separation, repatriation shipments, after-service health insurance, social security, wills, financial planning, immigration, pension benefits, taxation of UN pensions, emotional preparedness and expenditures following retirement.
- **Online Career Practice Sessions:** These sessions will provide live and interactive learning experiences with online access to professional courses.

#### Facilities:

- **Career Reference:** Here staff members will find a wide selection of reading materials on career support. These include books, workbooks, articles, video tapes and book-marked web sites. Also available are novels on self help, leisure, health and family-related issues.
- **Galaxy Boardroom:** This is a spacious facility and an ideal meeting place. It is an area available for personal interview sessions by either tele/video conference, meetings of CRB/P bodies, LCC, PCOs and other groups.
- **Video Conferencing:** The Centre is equipped with video conferencing facilities. This facility may be used by staff for personal interviews and counseling sessions, private sessions with their families, training programmes and career development tests and examinations.
- **Video Room:** Here staff members will discover a variety of useful videos about career support, health, staff welfare and well-being. Staff members are encouraged to borrow these videos for themselves and their families.

*For further information please contact Training, Staff Welfare and Counselling Unit.*

#### Gym for ICTR Staff





At the same premises as the CRC (Career Resource Centre), the ICTR has also established a fully equipped gym with state-of-the art equipment. It will be available to all staff once it has been inaugurated.

### **Arusha Spouses' Association Donates Medical Equipment to Hospital**

The Arusha Spouses' Association (ASA) on Saturday 3 November 2007, made a donation to the labour ward of the Mount Meru Hospital in Arusha. The donation included two delivery beds, an evacuation bed, oxygen and suction machines and various other items, valued at TShs7,568,000.



The presentation of the items to the Executive of the Hospital was made on behalf of ASA by Judge Khalida Rachid Khan, the Vice President of the ICTR. Also present at the ceremony were Ms Sarah Kilemi, Chief DASS, Ms Elsie Effange-Mbella, Gender Adviser, the Prosecutor, the Deputy Prosecutor, Lady Norma Byron (representing the President, ICTR) and other senior officials from the Tribunal. Also present were members of ASA, the Mayor of Arusha, the Regional Medical Officer, the Chief Medical Officer, the Matron of the hospital and other hospital dignitaries.

Speaking at the ceremony, Ms Sarah Kilemi, congratulated ASA for the generous gesture and said that *"As the ICTR works towards achieving its mandate, ASA more than ever before is striving to realise its objectives of sharing the little of what it has with the less fortunate and those in need."*

In her remarks, Ms Elsie Effange-Mbella, gave an overview of ASA's contribution to various deprived communities within and outside Arusha and equally congratulated them on their achievements

### **News from The Hague**

#### **• Activity of the Appeals Chamber**

The Appeals Chamber rendered decisions on two interlocutory appeals in the *Karemera et al.* case, decided on a request for review in the *Niyitegeka* case, decided on requests for reconsideration in the *Rutaganda* and *Ngeze* cases, and issued seven pre-appeal orders or decisions. It has also deliberated on an appeal from judgement in the *Seromba* case, and issued a Scheduling Order for the delivery of the Judgement on 12 March 2008. The Appeals Chamber

also issued a Scheduling Order for the hearing of the appeals in the *Muvunyi* case on 13 March 2008. Additionally, the Appeals Chamber is seized of an appeal from judgement in the *Karera* case where the briefing is currently under way.

#### **• External Relations, Inter-Tribunal Co-operation, ICTR-Internal Co-operation**

The Head of the ICTR Office in The Hague, Mr. Koffi Afandé, represented the Registrar of the ICTR at the occasion of the New Year reception organised by command of Her Majesty the Queen of the Kingdom of Netherlands in honour of Diplomatic Corps and International Organisations. The reception took place on Wednesday, 9 January 2008 at the Noordeinde Palace in The Hague. During a special meeting requested by Her Royal Highness, Princess Maxima of The Netherlands, Mr. Afandé briefed Her Highness among other things on the progress made by the Tribunal involving the legal measures and administrative mechanisms in achieving its mandate as per the Security Council Resolutions 1503 (2003) and 1534 (2004) inviting the ICTR to complete Trial cases at the end of 2008 and Appeal cases in 2010. He further elaborated on the positive impact of the outreach and capacity building programmes of the Tribunal on the perception of the work of the Tribunal in Rwanda and briefed on the legacy policy of the Tribunal as well as the successful cooperation between ICTR and the other International Jurisdictions in The Hague such as ICTY and ICC.

### **Forthcoming Article in Leiden Journal of International Law**

A very interesting and informative article written by our colleague legal Officer in Trial Chamber I, Ms. Sigall Horovitz in cooperation with Dr. Yuval Shany of the Hebrew University will be published in the next volume of the Leiden Journal of International Law. The article evaluates the application of rules on judicial independence and impartiality in two international decisions issued in 2004: the ICJ Order on Composition in the *Wall* Advisory Proceedings (the case concerning the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory) and the disqualification decision of the Special Court for Sierra Leone in the *RUF* case.

The article compares the two decisions with a code of judicial conduct recently prepared by an ILA study group (the Burgh House Principles on the Independence of the International Judiciary). The authors assert that the approach taken by the ICJ in the *Wall* Advisory Proceedings is excessively restrictive and is out of step with contemporary tendencies to embrace stricter standards of judicial independence and impartiality.



## Tribute to Judge Lloyd Williams, Consummate Judge and Gentleman

By Sukhdev Chhatbar, Hirondelle News Agency & ERSPPS, ICTR



Judge Lloyd George Williams known for his attentive details and love of law and who devoted a good part of his life to public and international service, died on 16 January in his native home of Saint Kitts and Nevis, Caribbean, aged 80. He was laid to rest on 30 January.

His last assignment was at the Arusha-based International Criminal Tribunal for Rwanda (ICTR) trying suspects of 1994 genocide and will go down into history as bold and among pioneering judges of an international justice system.

*"Judge Williams was a consummate judge and gentleman. His approach to the work of the Tribunal exemplified his integrity and sincerity and his judgments clearly demonstrated his commitment to ensuring a fair trial even in the face of allegations of horrific crimes,"* remarked Matthew Carlson, who worked very closely with the late Judge as part of Trial Chamber III's legal

staff during his first two years at the Tribunal from 2002 to 2004. *"He approached each decision with an open mind, but his unwavering sense of right and wrong was his ultimate guide,"* concludes Carlson.

The late judge is also mourned by his successor, Judge Dennis Byron, who actually had the privilege of meeting the deceased on 17 December 2007 at his home on Frigate Bay St Kitts. *"He was surrounded by his wife Cynthia, his daughter and son. At that time, his bearing, incisive conversation and good humour did not foretell the sad news of his passing away last week,"* recounts Judge Byron, who is also from St Kitts and Nevis, and the current President of the ICTR. Judge Byron was elected by the UN General Assembly to replace Judge Williams in 2004. *"He [Williams] had an outstanding career of service in law. In his practice as Director of Public Prosecution before the courts, he was a master of forensic advocacy and was regarded as an outstanding criminal lawyer,"* said Judge Byron, adding that on the bench, he earned the reputation of being strict on the maintenance of order and discipline in the court room. He adds: *"His judgements were sound and well respected and it was fitting that his final stint of service was to the International criminal justice system."*

The ICTR Spokesman, Roland Amoussouga on behalf of the Registrar Adama Dieng, told reporters: *"Judge Williams had dedicated his life to justice for his fellow human beings ... we have lost one of the ICTR's key contributors in shaping an international justice system"*.

At the ICTR, the late judge made quite an impact both professionally and on the staff where he was much liked and had a large body of friends. His close associates say that the tall and slim Judge was a delightful person. He always made time when someone sought his advice. One of the first things he did after coming to Tanzania is to hike Mt Kilimanjaro, and managed at 73 years age to reach the second stage. He loved to take an evening walk when time allowed and was known for his intensive reading into late hours, at times past midnight.

He was born in June 1927. He began his career as a Barrister-at-Law in 1959 in England and later entered private practice in Jamaica before becoming Director of Public Prosecutions in Antigua from 1978-1982, and Solicitor General, Antigua in 1982. From 1983 to 1992, he was High Court Judge of the Eastern Caribbean Supreme Court. Judge Williams was appointed Queen's Counsel in 1981 by Her Majesty Queen Elizabeth II for distinguished service in the field of law. Judge Williams chaired several Commissions and Statutory Authorities in Jamaica as well as being a member of the Prison Law Reform Committee in Jamaica. Judge Williams was admitted to practice at the English Bar, the Jamaican Bar, the Antiguan Bar and the Cayman Islands Bar.

He studied at Fish University, Nashville, Tennessee, United States of America; McGill University, Montreal, Canada; and the Hague Academy of International Law, The Netherlands. He had a degree of the Utter Bar from the Hon. Society of the Middle Temple, London, England, one of the Inns of Court.

Judge Williams was elected to the ICTR by the United Nations General Assembly in November 1998, and was re-elected in January 2003. During his tenure at the Tribunal Judge Williams sat in the *Cyangugu* and *Semanza* trials as well in the initial stages of the *Military I* trial. He also confirmed several indictments and delivered many decisions. He resigned from the Tribunal in March 2004 for personal reasons.