ICTR NEWSLETTER

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United Nations International Criminal Tribunal for Rwanda

Seven Years' Imprisonment for Nzabirinda

Trial Chamber II of the ICTR on 23 February 2007 sentenced former Youth Organiser of Ngoma Commune, Joseph Nzabirinda nickname 'Biroto' to seven years imprisonment. Nzabirinda was given credit for the time spent in detention since his arrest on 21 December 2001. Nzabirinda was charged with one count of murder as crime against humanity.

On 14 December 2006, following a plea agreement signed with the Prosecutor two days earlier, Joseph Nzabirinda pleaded guilty to one count of murder as crime against humanity, as an accomplice by omission. The Trial Chamber accepted his guilty plea. In the initial indictment of 6 December 2001 Nzabirinda was charged with genocide, conspiracy to commit genocide, extermination as a crime against humanity and rape as a crime against humanity. In his initial appearance of 27 March 2002 the accused pleaded not guilty to all the charges.

For the purpose of sentencing the accused, the Chamber, composed of Judges Arlette Ramaroson, presiding, William Sekule and Solomy Balungi Bossa, considered as aggravating factors: the fact that Nzabirinda was an educated person and the fact that Nzabirinda abused his moral authority over the youth and population of his commune as he was held in high esteem due to his positions as Youth Organiser and successful businessman.

The Chamber considered as mitigating factors: his guilty plea together with his public expression of remorse; his family situation as a married man with children; his good character prior to the events of 1994, the lack of criminal records; and his assistance either moral, financial or material, to certain Tutsi victims. The Chamber disregarded the accused's offer to co-operate with the Prosecutor as there had been no actual co-operation thus far and other alleged mitigating circumstances.

Nzabirinda is represented by Francois Roux and Jean Haguma, whereas the Prosecution was led by Hassan Bubacar Jallow, Prosecutor and William Egbe, Senior Trial Attorney. Nzabirinda was born in 1957, in Sahera secteur, Butare prefecture, and was arrested in Brussels on 21 December 2001 and transferred to the United Nations Detention Facility on 20 March 2002.

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Prosecutor Jallow in Sweden

From 29 January to 3 February, the ICTR Prosecutor, Justice Hassan B. Jallow, and Dr. Alex Obote Odora, were on official mission to Sweden where the Prosecutor gave lectures at Lund and Uppsala universities, held a press conference and gave an interview to the press.

The Prosecutor held an informal meeting with representatives from the Lund University's Foreign Affairs Association. He briefed members of the Association on the work of the ICTR in general and that of the OTP in particular. The Prosecutor encouraged the students to apply for internships at the ICTR.

Prosecutor Jallow's presentation was titled *"ICTR's Contribution to International Human Rights Jurisprudence"*. Staff and students of the Wallenberg Institute and the Lund University Faculty of Law attended the seminar. Mr. Jallow also delivered a public lecture at Lund University on *"Justice after Genocide"*. More than four hundred people attended the lecture.

On 1 February, the Prosecutor addressed the staff of the Dag Hammarskjöld Foundation at a lunch hosted by the Foundation. Lennart

Aspegreen, a former Judge at the ICTR also attended. The Prosecutor discussed a wide range of issues from the current workload of the OTP to the completion strategy including a discussion on the rights of indigenous people.

The Prosecutor delivered a public lecture at Uppsala University where he presented a summary of the OTP workload, the Completion Strategy and the ICTR contribution to international criminal justice. Approximately one hundred persons attended the public lecture.

On 2 February, the Prosecutor delivered a lecture to the staff and graduate students of international humanitarian law, international criminal law and political science at the Uppsala University Faculty of Law. He reviewed the workload of the OTP, the completion strategy, and the contribution of the ICTR to international criminal justice. In his concluding remarks, the Prosecutor encouraged students to apply for internships at the ICTR.

(Full text of lecture on p. 5)

ICTR Judicial Activities

- **Prosecution Closes its Case in Renzaho Trial**

The Prosecution on 7 February 2007 closed its case in the trial of Colonel Tharcisse Renzaho, former prefect of Kigali-ville, subject to the appearance of one expert witness and resolution of two motions. The trial commenced on 8 January 2007. Twenty-three Prosecution witnesses were heard in the course of eighteen trial days.

Renzaho, who was born in 1944 in Kibungo prefecture, is facing six counts charging him with genocide, complicity in genocide, crimes against humanity for murder and rape, and serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II. He has pleaded not guilty to all charges.

The Prosecution team includes Senior Trial Attorney Jonathan Moses, Katya Melluish and Ignacio Tredici. Renzaho is represented by Maître François Cantier from France and Barnabé Nekuie from Cameroon. The case is heard by Trial Chamber I, composed of Judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russian Federation) and Florence Rita Arrey (Cameroon).

News from Kigali

- **SMCC President Visits Umusanzu Centre**

The President of the United Nations Staff-Management Coordination Committee (SMCC), Mr. Dieter Goethel on Tuesday, 23 January 2007 visited Umusanzu, the Tribunal's Information and Documentation Centre, in Kigali.

He held a meeting with the Officials from the Kigali office and members of the Staff Association Committee.

Mr. Dieter Goethel poses with staff members at Umusanzu

Mr. Mamadou Toure, the Administrative Officer in Kigali explained to the visitor that the major purpose of the centre was to disseminate tribunal information to the Rwandan Public in order for the population to understand the work of the Tribunal especially its contribution towards justice and reconciliation in the country.

At the same meeting, the head of the Centre, Mr, Innocent Kamanzi briefed the visitor on the historical background of the centre and its main activities. He told Mr. Goethel, that the centre was set up in September 2000 to bridge the information gap between the tribunal and the people of Rwanda. He said that the facility has been instrumental in disseminating information to the local population and to other visitors who regularly come to seek information about the Tribunal's activities. He added that as the focal point of the outreach programme in Rwanda, the facility has been able to create a good image of the Tribunal and to build the confidence of Rwandans that those responsible for the 1994 genocide were facing justice.

During the meeting, Mr. Goethel got the opportunity to address the Kigali Staff Association Committee members. He briefed them on the composition and work of the Staff-Management Coordination Committee and how it works with the respective UN staff associations located at different duty stations world wide. He advised them not to hesitate to contact the SMCC on possible advice as regards staff matters.

He told the committee members that the UN has undertaken various reforms in order to improve the working conditions of the Organisation's staff members. Here he mentioned the approval of the programme for training the staff to meet the professional standards that are required for better service delivery. He also talked about the UN Secretariat's plan for an International Justice System within its ranks to cater for any staff disputes in relation to management.

News from The Hague

- **Activity of the Appeals Chamber**

The Appeals Chamber is presently deliberating on the *Nahimana et al.* and *Muhimana* appeal judgements and is preparing the *Simba* case for a hearing. It is also engaged in pre-appeal work in the *Muvunyi* and *Seromba* cases. Further, the Appeals Chamber is deliberating on a new request for review filed in the *Niyitegeka* case and is seized of an appeal in the *Rwamakuba* case. Additionally, during February, the Appeals Chamber rendered decisions or orders concerning five pre-appeal matters.

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

Mr. Adama Dieng, the ICTR Registrar completed a three-day visit in The Hague from 20 to 22 February 2007. He met with Mr. Holthuis, ICTY Registrar and Judge Pocar, ICTY President in order to identify common challenges of both Tribunal and further their on-going cooperation and coordination.

Mr. Dieng was accompanied by Mr. Jean-Pelé Fomété, Chief, Court Management Section and OIC, Defence Counsel and Detention Facility Management Section.

Both held briefing and working sessions with Mr. Koffi Kumelio A. Afande, OIC, ICTR/ACSU in The Hague on the current performance as well as future challenges of the ACSU.

- **Hearing of testimonies of Witnesses by Video-Link**

Following the Orders issued on 7 December 2006 and 11 September 2006 by Trial Chamber II, composed of Khalida Rachid Khan (Presiding), Lee Gacuiga Muthoga and Emile Francis Short, 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 a two testimonies by video-link of two witnesses in February 2007.

Criminal Investigation

Criminal investigation is usually defined as the process of gathering evidence. Evidence can be physical, testimonial, documentary or demonstrative. In the specific context of the United Nations International Criminal Tribunal for Rwanda (UNICTR) the legal framework of investigation is provided by article 17 of the Statute of the UNICTR as well as by Rules 39, 40, 40-bis, 41, 42 and 43 of the Rules of Procedure and Evidence.

The authority in charge of the Tribunal investigations is the Prosecutor of the UNICTR (or his representatives). In this regard, article 17-1 of the Statute reads: "The Prosecutor shall initiate investigations ex-officio or on the basis of information obtained from any source, particularly from governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed."

With respect to the investigating tasks and powers of the Prosecutor, further details are provided by the above mentioned Rules. For instance, the Prosecutor is entitled to:

- Summon and question suspects.
- Interview victims and witnesses and record their statements.
- Collect evidence and conduct on-site investigations.
- Take all measures deemed necessary for the purpose of the investigation.
- Take special measures to provide for the safety of potential witnesses and informants.

On the other hand, the rights of a suspect under investigation are also clearly specified and protected by the law (Rule 42 of the Rules of Procedure and Evidence). For example, the suspect has the right:

- To be informed of his rights prior to questioning.
- To be assisted by counsel of his choice.
- To have the free assistance of an interpreter if he cannot understand the language to be used for questioning.
- To remain silent.

Generally speaking, criminal investigation is a very important step of the judicial process. For this reason, investigators are given important powers in order to carry out their duties. In this regard, Section 10 of The Criminal Procedure Act (1985) of Tanzania provides:
"If from the information received (…) a police officer has reason to suspect the commission of an offence (…) he shall proceed in person to the spot to investigate the fact and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender (…)."

Investigating into a criminal matter is not an easy task. The investigator may be confronted with a number of hindrances such as:

- Difficulty related to the language used for questioning. The interview of victims or witnesses through an interpreter may sometimes fail to provide

accuracy.

- Impossibility to get evidence from eye-witnesses. People may be overwhelmed by the fear to testify even if they have true information about crimes, genocides or other serious violations. They may have reasons to believe that it is unsafe to provide evidence that can lead to the arrest and prosecution of dangerous criminals.
- Psychological obstacles which make it very delicate and sometimes impossible to interview victims of certain types of offences (rape and sexual abuses).
- Inaccessibility to certain types of crime-scenes or massacre-sites owing to the nature of the terrain or other geographical barriers.

The use of scientific means has considerably helped to improve criminal investigation. Any evidence gathered through the use of scientific means is called forensic evidence. In order to contribute to the efficiency of the criminal investigation a number of specialists have a specific role to play in the gathering of evidence. For instance: forensic psychiatrists, toxicologists, handwriting experts, pathologists, crime mappers and other crime-scenes specialists.

The Transnational Justice System

The Friedrich Ebert Stiftung (FES), in cooperation with the Uganda Law Society (ULS) organised a National Dialogue on *"The Transnational Justice System"* in Kampala, Uganda on 8 February 2007. The purpose of the dialogue was to encourage a critical evaluation and debate on the Transnational Justice system. International Justice connotes International Criminal mechanisms endowed with universal jurisdiction to hold perpetrators of serious crimes such as mass slaughter, forced dislocation of ethnic minorities, torture and rape accountable. Their origin can be traced to the Nuremburg and Tokyo trials soon after the Second World War, and the post cold war era which saw the establishment of *ad hoc* Tribunals and a permanent one at The Hague.

Mr. Deo Nkunzingoma, President of the Uganda Law Society (Left), Mr. Job Wanakwakwa, International Human Rights Lawyer and Moustapha Hassouna, ICTR Protocol Officer

Moustapha Hassouna, ICTR Protocol Officer, who was one of the invitees spoke to the participants about the history of the ICTR established in 1994 by Security Council Resolution 955 to bring to justice those individuals who had committed acts of genocide and other severe violations of human rights in Rwanda. His presentation included cases in progress and those on appeal and judgements rendered. The process of tracking and arrest of fugitives at large and the eventual transfer of remaining cases to Rwanda upon the completion of the Tribunal's Mandate was also discussed.
He enumerated the accomplishments of the ICTR: Interpreting the Geneva Convention defining genocide particularly in the case of Prosecutor v. Jean-Paul Akayesu which set out very important legal doctrines and tests for assessing components of genocide crimes; rape and sexual violence as crimes of genocide where the Akayesu judgement was groundbreaking for its finding that rape may comprise an act of genocide; emphasis that there can be no immunity from prosecution for heads of state and that the ICTR was the first international tribunal since the International Military Tribunal in Nuremberg (1946) to hand down a judgement against a head of government, Jean Kambanda, former Prime Minister of Rwanda, who was convicted for genocide and sentenced to life imprisonment.

He also addressed the participants in legal issues regarding understanding of supervisory responsibility where military commanders and civilian leadership are held personally responsible for human rights violations and other international crimes committed by their subordinates. He underlined that freedom of expression versus. incitement to criminal action, where the ICTR set the principle that those who use the media for inciting the public to commit genocide amounts to hate speech and persecution and is punishable as a crime against humanity.

The presentation was complemented by a powerpoint presentation, a video show and a poster exhibition on the history and work of the ICTR and participants were presented with ICTR Information Packages.

In 2003 the Human Rights Award of the Friedrich Ebert Stiftung was conferred on the UNICTR in recognition and appreciation of: Its unwavering

efforts to maintain the due course of law against all who have done wrong – in spite of many difficulties and setbacks; its contribution to the goals of national reconciliation following the atrocious crimes of genocide; its strong commitment to the binding nature of law and the administration of justice in Rwanda and; the building up of confidence as the basis for peace and democracy – not only for Rwanda and its neighbours, but for the entire world.

International Criminal Justice: the ICTR Experience

By Justice Hassan B. Jallow, Guest Lecture at the University of Lund, Sweden, 31 January 2007

The Rwanda genocide of 1994 ranks as one of the worst humanitarian tragedies in mankind's history. Over a period of 100 days more than a million civilians – men, women and children were butchered and subjected to the most hitherto unimaginable brutality; for no reason other than that they were Tutsis or perceived to be moderates opposed to this slaughter.

On 8 November 1994 the United Nations Security Council by Resolution 955 (1994) established the International Criminal Tribunal for Rwanda (ICTR) as the international community's response to dealing with the aftermath of a horrific tragedy which it had failed to prevent.

Twelve years down the line what been the record of the ICTR?

So far, the ICTR has concluded the trials of 32 accused persons of whom 27 have been convicted and 5 acquitted. Six of these convictions have been based on guilty plea accords between the accused and the Prosecutor. Currently standing trial are 26 detainees, most of them are co-accused persons in five large multiple accused cases which have been proceeding for a considerable period. We anticipate nonetheless that the cases of twelve of the accused in the trials will be concluded by end of 2007 or early 2008 and the remainder by end of 2008.

There are, however, nine detainees currently awaiting trial as single accused cases. Some of them may not proceed to full trial as guilty plea negotiations are in progress. It is expected that such negotiations would lead to positive outcomes. Eighteen indictees continue to remain at large.

Some might be tempted to dismiss these achievements as too little given the time and expense. Much of the criticism of the ad hoc tribunals ignores the difficulties and challenges of the early years on the one hand and the challenges that arise from an inherently complex operation such as mounting an international criminal prosecution.

All the accused persons being sought by the Tribunal had fled Rwanda to different corners of the world. Their search, arrest and transfer was, and continues to be a major challenge. Location of witnesses – many of them again living outside Rwanda – arranging their travel to Arusha to appear in court as well as managing their security concerns was and is no easy task. The court was launched into a jurisprudential vacuum – without the benefit of any significant previous jurisprudence on the crimes it had to administer. In fact the court had to devise its own rules of procedure and evidence. A vast team of officials – judges, attorneys, investigators and other staff had to be put together – drawn from different parts of the world speaking diverse languages, from differing cultures and legal traditions, to be welded together and imbued with a common objective and common standards. So too were defence counsel. Currently 77 in number drawn from 19 countries and representing all the continents. The Office of the Prosecutor in Arusha has 133 staff members from 40 different nationalities.

There are also difficulties inherent in the system of international criminal justice itself. Not being anchored in any national system, the system itself lacks enforcement powers – it has no police force, no prisons – only a pre-trial detention facility. It is thus heavily dependant on the good will and cooperation of states. The cases being prosecuted present complex issues of law – without the benefit of precedent generally--as well as complex issues of fact. You are dealing not with the relatively simple case of murder but of close to a million murder cases! Large numbers of witnesses are involved both for the prosecution and the defence. A total of 1871 witnesses have been brought from 40 countries to the ICTR to testify. The logistics of tracking the witnesses, arranging their travel to and from Arusha, as well as that of defence counsel is enormous.

The proceedings in the multiple accused cases have turned out to be lengthy. For instance the Butare Trial of six accused persons which has been proceeding for the past six years has now seen a transcript of proceedings amounting to 38,000 pages! And the case is probably only at two-thirds of the way. As at now 806,840 pages of transcripts cover the proceedings in all cases combined, all to be translated into 3 languages! And there are more cases in the pipeline. The use of three languages i.e. English, French and Kinyarwanda in all the proceedings presents interpretation and translation challenges which impact on the speed of the trial process. Yet it cannot be otherwise, for reasons of ensuring the right of the accused to a fair trial, the right to follow and understand the proceedings.

These difficulties and challenges are not likely to be the routine experience at the national level, or if they are certainly not on the scale experienced within the international criminal justice system. Viewed in this context, against this background the record of the ICTR, and of the ICTY if I may add, is a truly remarkable achievement. Remarkable not only in terms of statistics of cases undertaken and concluded, but also in the growth of a considerable body of jurisprudence on international law – both substantive as well as procedural and evidential, in significant

experience gained in the investigation and prosecution of international crimes and the creation of best standards and practices to guide future generations of practitioners. Above all the *ad hoc* system has demonstrated that the administration of international criminal justice is doable, it is feasible and it is necessary for peace and for justice.

Amongst the significant jurisprudential highlights of the ICTR have been the elaboration of the legal elements of the crime of genocide defined in the 1948 Convention (AKAYESU), the definition of the offence of rape (AKAYESU), how sexual violence – a widespread practice in Rwanda in 1994 can constitute genocide (AKAYESU), in the area of war crimes the nexus which must exist between the offence and an armed conflict to satisfy the requirements of common Article 3 of the Geneva Conventions (RUTAGANDA), issues of command responsibility for the acts of subordinates, individual criminal responsibility, the elements of the various aspects of crimes against humanity, genocide and war crimes; and more recently the decision (KARAMERA) to take judicial notice of the genocide of 1994 as historical fact beyond dispute.

Fair trial, practice and procedure have also benefited considerably in terms of the development of jurisprudence. The ICTR has pronounced on the legality of its creation, (KANYABASHI); its independence and impartiality (KAYISHEMA and RUZINDANA as well as RUTAGANDA) the elements of fair trial with particular reference to the principle of equality of arms (BIZIMUNGU), public hearing, physical presence of the accused (ZIGIRANYIRAZO), the right to be tried within a reasonable time (BARAYAGWIZA), the independence of the Prosecutor and the extent of permissible judicial control of the exercise of discretion by the Prosecutor (KANYABASHI), the requirements for drafting and curing of defective indictments (NYITIGEKA, etc), the burden of disclosure on the Prosecutor and how it can be discharged (KARAMERA) etc. etc. In all these areas and more the ICTR, indeed the ad hoc tribunals often through their common Appeals Chamber have registered groundbreaking advances in the field of international criminal law.

Almost twelve years after their establishment, the ad hoc international tribunals for the Former Yugoslavia and Rwanda are at the height of implementation of their respective completion strategies designed to bring closure to their mandates. The Completion Strategies present their unique challenges too.

For the Office of the Prosecutor (OTP) at the ICTR, the immediate implication of the completion strategy was the need to review the workload as well as the strategies of the office in furtherance of the new decision of the Security Council. It was clear that the workload now had to be narrowed down from the several hundred targets being then pursued to what was practically possible to conclude within the deadline. Resolution 1503 gave some policy guideline in this respect by urging the tribunals to "formalise a detailed strategy to transfer cases involving intermediate and lower rank accused to competent national jurisdictions" in order to enable the courts meet the deadlines.

These considerations assisted us in narrowing down the total workload as well as in identifying those cases eligible for trial in Arusha or for referral to a national jurisdiction. Due only to completion deadline considerations a number of targets who would otherwise have been subjected to prosecution at the ICTR now have to be dealt with, if at all, in other jurisdictions. I believe that it is necessary for national jurisdictions to meet the challenge of impunity which may be posed by such a strategy either by assuming jurisdiction for the prosecution of such cases or ensuring that the cases are referred to the appropriate competent national jurisdictions for trial.

Happily as I reported to the Security Council last December, a number of countries notably the USA, Canada, France, Denmark, Norway have now established special offices which collaborate with the ICTR and Rwanda to deal with the cases of such genocidaires. Sweden also entered an agreement with the ICTR to accept convicted persons to serve their sentences in Swedish prisons. The decision of Rwanda to repeal the death penalty will also open the door to other countries extraditing alleged genocidiaires to stand trial in Rwanda.

The ICTR successfully delivered on the first deadline by completing investigations by the end of December 2004. In early 2005, the OTP filed eight new indictments several months ahead of schedule which were confirmed by the judges. The work on the allegations against the RPF nonetheless continues as a separate exercise. With the conclusion of a number of single accused cases in early 2007 and some of the multiple accused in late 2007, we are confident that what remains of the list of nine persons currently awaiting trial, after making allowance for any guilty pleas and Rule 11 *bis* referrals, can be tried and concluded before the end of 2008.

The recent decision of the Appeals Chamber in Prosecutor v Karemera et al requiring judicial notice to be taken of the genocide of 1994 - a decision of great legal, moral and strategic significance - has reduced the burden of proof on the Prosecutor. It has the potential therefore to reduce the length of trials by eliminating the need for proof of the genocide, a fact I must say the OTP has established by proof twenty-five times in the twenty-five judgments delivered by the Trial Chambers.

The real challenger, however, lies with the 18 indictees who continue to remain at large. They include senior figures such as Felicien Kabuga, the financer of the genocide. What is evident however is that it is undesirable to close with these fugitives remaining at large. If our tracking program were to succeed in apprehending and having all or most of them transferred to Arusha, it would represent a significant addition to our workload. Such a load cannot be concluded by the end of 2008. We plan to try in Arusha only the priority targets from that list of 18 fugitives. Clearly, to close by end of 2008 or 2010, as the case

may be, with these indicted fugitives at large walking the streets of the world's capitals would undermine the effort in combating impunity.

Herein lies perhaps the biggest challenge to the ICTR completion strategy. The referral of cases under Rule 11 *bis* of the Rules of Procedure and Evidence is a vital component of the completion strategy. Indeed its success will determine the success of the completion strategy.

I believe Rwanda is, in many respects, our best option for transferring cases for trial. It is the locus of the crimes charged and so the primary jurisdiction, save for the primacy of the tribunal, for the trials; Security Council resolution 1503 has specifically included Rwanda as a jurisdiction to be considered for referral of cases; Rwanda is willing to take on all the cases earmarked for referral; for legacy purposes and in order to promote reconciliation and greater Rwanda involvement in the international criminal justice process there is merit in having some of the cases transferred to Rwanda.

Despite its willingness to accept Rule 11 *bis* cases, Rwanda is not yet eligible under the rules. There is no question as to Rwanda's willingness and jurisdictional competence to prosecute such cases. Draft legislation currently before the legislature in Kigali would in our view satisfy the requirements relating to the death penalty and fair trial. The first quarter of 2007 could, with the enactment of such legislation, see some significant progress in the referral of cases of indictees to Rwanda.

The worst thing that could happen to the Completion Strategy would be a failure to obtain referral orders either because countries are unwilling to accept such cases or because ICTR judges are unwilling to refer the cases to particular jurisdictions.

The imminence of completion presents a challenge of staff retention. It is thus absolutely necessary that proposals currently under review for measures to encourage staff retention are finalized and implemented without delay.

The ICTR may complete and close by end of 2010; but it will not necessarily go away altogether. Both Tribunals will leave behind a host of legacy and residual issues which should continue to occupy others for some time. All these issues and others are increasingly the subject of reflection and discussion with a view to finding solutions that would preserve for posterity the legacy of the ICTR, indeed of the ad hoc system of international criminal justice.

Challenging as it may be, we are nonetheless firmly committed to and confident of completion of our mandate; completion in a proper way that would not undermine the struggle against impunity; to end in a way which all those committed to the struggle for the rule of law, justice and human rights can truly be proud of.

Judicial Decisions of the ICTR between 1 February and 28 February 2007

Date	Case	Record Number	Title	TC
05/02/2007	ZIGIRANYIRAZO	ICTR-01-73-0492/2	DECISION RELATIVE A LA REQUETE CONJOINTE DU PROCUREUR AUX FINS DE REPRENDRE L'EXPOSE DES MOYENS A CHARGE ET DE FAIRE REEXAMINER LA DECISION DU 31 JANVIER 2006 SUR LA DEPOSITION DE TEMOIN MICHEL BAGARAGAZA PAR VIDEO CONFERENCE	TC 3
05/02/2007	NCHAMIHIGO	ICTR-01-63-0214	DECISION ON THE PROSECUTOR'S APPLICATION TO ADMIT INTO EVIDENCE THE TRANSCRIPT OF THE ACCUSED'S INTERVIEW AS A SUSPECT AND THE DEFENCE'S REQUEST TO HOLD A VOIR DIRE	TC 3
05/02/2007	BIKINDI	ICTR-01-72-0201	DECISION ON MOTION FOR PROTECTIVE MEASURES, VARIATION OF THE WITNESS LIST, AND TRANSFER OF DETAINED WITNESS BUY	TC 3
05/02/2007	NDINDILIYIMANA ET AL	ICTR-00-56-0725	DECISION ON BIZIMUNGU'S EXTREMELY URGENT MOTION FOR ADDITIONAL TIME TO FILE A REPLY	TC 2
05/02/2007	NCHAMIHIGO	ICTR-01-63-0217	DECISION ON DEFENCE MOTION TO AUTHORIZE THE PRESENCE OF INVESTIGATORS IN THE COURTROOM	TC 3
05/02/2007	SERUGENDO	ICTR-05-84-0037	JUGEMENT PORTANT CONDAMINATION	TC 1
05/02/2007	[BUTARE] NYIRAMASUHUKO ET AL	ICTR-98-42-0540/2	DECISION ON KANYABASHI'S ORAL MOTION TO CROSS EXAMINE NTAHOBALI USING NTAHOBALI'S STATEMENTS TO PROSECUTION INVESTIGATORS IN JULY 1997	TC 2

Date	Case	Record Number	Title	TC
06/02/2007	BIZIMUNGU ET AL	ICTR-99-50-1569/2	DECISION ON CASIMIR BIZIMUNGU, JUSTIN MUGENZI AND JEROME BICAMUMPAKA'S WRITTEN SUBMISSIONS CONCERNING THE ISSUES RAISED AT THE HEARING OF 31 MARCH 2006 IN RELATIION TO THE CROSS EXAMINATION OF WITNESS AUGUSTIN KAYINAMURA (FORMERLY INGA	TC 2
13/02/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1795	RECONSIDERATION OF EARLIER DECISION ON AMICUS CURIAE APPLICATION BY THE KINGDOM OF BELGIUM	TC 1
14/02/2007	RENZAHO	ICTR-97-31-0158	DECISION ON PROSECUTION REQUEST FOR VIDEO-LINK TESTIMONY	TC 1
14/02/2007	RUKUNDO	ICTR-01-70-0241	DECISION ON THE PROSECUTOR'S EXTREMELY URGENT MOTION TO EXTEND THE PERIOD OF TEMPORARY TRANSFER OF DETAINED WITNESS AMA PURSUANT TO RULE 90 bis (F) AND 73 (A) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
14/02/2007	RUKUNDO	ICTR-01-70-0242	DECISION ON THE PROSECUTOR'S MOTIONS FOR VARIATION OF WITNESS LIST AND PROTECTIVE MEASURES FOR WITNESSES BUW, CCF, CCJ AND BLJ	TC 2
14/02/2007	RUKUNDO	ICTR-01-70-0243	DECISION ON THE PROSECUTOR'W URGENT MOTION FOR WITNESSES BPA, BLR AND BLN TO GIVE TESTIMONY VIA VIDEO-LINK	TC 2
14/02/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1798	DECISION REQUEST FOR CERTIFICATION CONCERNING ADMISSION OF STATEMENT OF WITNESS LG-1/U-03	TC 1
14/02/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1799	DECISION ON ADMISSION FO STATEMENT OF KABILIGI WITNESS UNDER RULE 89 (C)	TC 1
14/02/2007	BIKINDI	ICTR-01-72-0203	DECISION ON PROTECTIVE MEASURES FOR DEFENCE WITNESSES	TC 3
16/02/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1803	DECISION ON KABILIGI MOTION FOR DISCLOSURE OF THE STATEMENTS OF PROSECUTION WITNESS XXQ	TC 1
16/02/2007	RENZAHO	ICTR-97-31-0161	DECISION ON PROSECUTION MOTION TO VARY WITNESS LIST	TC 1
16/02/2007	RENZAHO	ICTR-97-31-0160	DECISION ON PROSECUTION MOTION TO VARY WITNESS LIST	TC 1
19/02/2007	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1802	DECISION ON BAGOSORA DEFENCE MOTION TO RECALL WITNESS FRANK CLAEYS FOR ADDITIONAL CROSS-EXAMINATION	TC 1
19/02/2007	BIZIMUNGU ET AL	ICTR-99-50-1623	DECISION ON MOTION REQUESTING AN ORDER WITH RESPECT TO DEFENCE WITNESS WAE	TC 2
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