



ICTR Newsletter

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ICTR Registrar Attends Atrocity Crimes and Litigation Year-in-Review Conference



The Registrar, Mr. Adama Dieng, attended the Atrocity Crimes Litigation Year-in-Review Conference, as a panelist. On 28 January 2011 in Chicago, at the Northwestern University School of Law The Conference focused on the review of the jurisprudence and practice of the major international and hybrid criminal tribunals during the previous calendar year. It was a one-day conference in a form of “lines of inquiry” memorandum. The

panelists develop issues and questions raised by the moderator. For the ICTR, among the issues on the table for discussion were the following: the Residual mechanisms, the Peter Erlinder episode (A Defence lawyer arrested in Rwanda last year during a trip unrelated to ICTR business), the Kalimanzira conviction, the Rukundo appeals reduction of sentence, and the murder of Defence counsel for the Accused person Yusuf Munyakazi in Dar es Salaam, the Butare case.

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High-level regional meeting of actors of the Judiciary of West and Central Africa on HIV

The Registrar was invited to chair one of the sessions of a high-level regional meeting of actors of the judiciary of West and Central Africa on HIV co-organized by UNAIDS, OHCHR, UNDP, the African Association of highest jurisdictions in Francophone countries and the Ministry of Justice of Senegal. The meeting was held from 6-8 February 2011 in Dakar and 15 Ministers of Justice from Africa participated in the deliberations. The theme of the meeting was “Building capacities, supporting access to justice and addressing factors of vulnerability in the context of HIV”. The Registrar chaired the session on continued

training of members of the judiciary: an essential component of the protective use of the law in the context of HIV. In his opening address, the Registrar shared ICTR experience in dealing with the HIV/AIDS issue as it relates to witnesses. With the assistance of donors, the Tribunal created a full fledged programme for the support of victims and witnesses, as provided for in Rule 34 of ICTR Rules of Procedure and Evidence. Through this programme, vulnerable witnesses are provided with adequate care, protection and psychological support. This programme, said the Registrar, has been successful and should



serve as a model in the African continent. It gives the HIV/AIDS victims the right to medical services, which is an important achievement in the road to the full enjoyment of human rights.

ICTR Judicial Activities

- **Work of the Trial Chambers and the Appeals Chamber**

Trial Chamber I

The work of this Trial Chamber has been completed.

Trial Chamber II

Ongoing Trials

Ngirabatware

On 31 January 2011, the Chamber adjourned the proceedings for three days, until after the funeral of the Accused's brother. The Accused was still testifying on his own behalf in the



Defence case. On 3 February 2011, the proceedings resumed and continued until 14 February when the proceedings were adjourned to a date to be specified in a scheduling order. The cross-examination and testimony of the Accused has now been completed. The Chamber has directed the Defence to file, before the end of the first week of March, an updated list of the witnesses that it realistically intends to call. On 28 February, the Chamber issued a scheduling order for the resumption of the proceedings starting 6 June 2011. During the reporting period, the Chamber issued 3 written or oral decisions.

Trials in Judgement Drafting Phase

Nyiramasuhuko et al. ("Butare")

Deliberations and judgement drafting continued.

Nidiliyimana et al. ("Military II")

Deliberations and judgement drafting continued.

Bizimungu et al.

Deliberations and judgement drafting continued.

Trial Chamber III

Ongoing trials

Nzabonimana

The third session of the Defence case commenced on 28 February 2011. The Trial Chamber heard the cross-examination of one witness that day. The Trial Chamber issued three decisions in February 2011.

Karemera et al.

In the Karemera et al. trial, the Chamber finished hearing the case of the last Accused person, Matthieu Ndirumpatse on 18 February 2011. Matthieu Ndirumpatse testified during the month of February. The Chamber and the Parties went on a site visit to Rwanda during the week on 21 to 25 February 2011. The Parties are now working on their Closing Briefs. In February, the Chamber issued one decision and one order.

Ndahimana

The Trial Chamber heard 14 Defence witnesses during the month of February 2011. It issued four written decisions during the same period.

Trial in Judgement Drafting Phase

Gatete

Deliberations and judgement drafting continued.

Ongoing Trials

Nizeyimana:

The Chamber issued twenty-two decisions and two corrigenda during the months of December 2010 and January 2011. The trial commenced on 17 January 2011 before Judges Muthoga (presiding), Park and Fremr. As of 28 January 2011, the Chamber has heard the complete testimony of twelve Prosecution witnesses.

Pre-Trial

Uwinkindi

The Referral Chamber issued two Decisions in February 2011.

Kayishema

In February 2011, the referral Chamber issued two decisions. The Chamber Granted the request of the International Criminal Defence Attorneys Association for leave to appear as an amicus curiae and invited the Republic of Rwanda to file submissions in relation to the Prosecution's request to transfer the case of Fulgence Kayishema to the jurisdictions of Rwanda.

Sikubwabo

In February 2011, the referral Chamber issued two decisions. The Chamber granted the request of the International Criminal Defence Attorneys Association for leave to appear as amicus curiae and invited the Republic of Rwanda to file submissions in relation to the Prosecution's request to transfer the case of Charles Sikubwabo to the jurisdictions of Rwanda.

71 bis Applications

Kabuga

In the Kabuga case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

Bizimana

In the Bizimana case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

Mpiranya

In the Mpiranya case, the Prosecution filed a motion for the taking of depositions pursuant to Rule 71 bis of the Rules of Procedure and Evidence. The President appointed a Trial Chamber in order to rule on this Motion. A Duty Counsel has been appointed to represent the interests of the Accused at large.

Appeals Chamber

In February, the Appeals Chamber issued one decision on a request for review in the **Karera** case as well as 11 pre-appeal decisions or orders.

Currently, the Appeals Chamber is seized of 16 matters, including 8 cases involving appeals from judgement.

In the **Renzaho** case the Trial Judgement was rendered on 14 July 2009, the briefing in this appeal concluded on 5 May 2010, and the appeal was heard on 16 June 2010. The Appeal Judgement will be delivered on 1 April 2011.



The Trial Judgement in the *Muvunyi* case was rendered on 11 February 2010. The briefing of the appeals was completed at the end of July 2010, and the appeals were heard on 21 October 2010. The Appeal Judgement will be delivered on 1 April 2011.

The *Bagosora et al.* Trial Judgement was pronounced on 18 December 2008 and issued in writing on 9 February 2009. *Theoneste Bagosora, Aloys Ntabakuze*, and *Anatole Nsengiyumva* appealed. The briefing in respect of the appeals was completed at the end of July 2010 and the appeals will be heard from 30 March 2011 through 1 April 2011.

The Trial Judgement in the *Setako* case was rendered on 25 February 2010 and issued in writing on 1 March 2010. Both parties filed notices of appeal and the briefing was completed in November 2010. The appeals are being prepared for a hearing.

The Trial Judgement in the *Munyakazi* case was rendered on 30 June 2010 and issued in writing on 5 July 2010. Both parties filed notices of appeal in August 2010 and the briefing was completed in January 2011. The appeals are being prepared for a hearing.

The Trial Judgement in the *Ntawukulilyayo* case was rendered on 3 August 2010 and issued in writing on 6 August 2010. *Dominique Ntawukulilyayo* filed his notice of appeal on 6 September 2010 and the briefing is in progress.

The Trial Judgement in the *Kanyarukiga* case was rendered on 1 November 2010 and issued in writing on 9 November 2010. Both parties filed notices of appeal in December 2010 and the briefing is in progress.

The Trial Judgement in the *Hategekimana* case was rendered on 6 December 2010 and issued in writing on 14 February 2011. The Appeals Chamber confirmed that *Ildephonse Hategekimana* has 30 days from the filing of the written judgement to file his notice of appeal.

In addition to these appeals, the Appeals Chamber is seized of four interlocutory appeals in the *Karemera & Ngirumpatse, Nizeyimana, Ngirabatware*, and *Nzabonimana* cases, two requests for review in the *Kamuhanda* and *Ndindabahizi* cases, as well as two other requests in the *Niyitegeka* and *Nshogoza* cases.

During 2011, the Appeals Chamber delivered 2 decisions on review or other post-appeal requests, and issued 25 pre-appeal orders or decisions. To date, the Appeals Chamber has delivered 27 Judgements, concluding the appellate proceedings in respect of 33 persons.

• Prosecution Rests Case in Nizeyimana Trial

The prosecution case against Captain Ildephonse Nizeyimana has closed on schedule, after 26 days of trial. On Friday, 25 February, Senior Trial Attorney Drew White of Canada told the Trial Chamber that the prosecution was resting its case against the former



Ildephonse Nizeyimana

Rwandan military officer, after calling 38 witnesses. Captain Nizeyimana is charged with genocide, extermination, murder and rape. The Defence is scheduled to begin its case on 9 May and conclude in mid-June. The case is being heard before Judges Lee Muthoga (presiding), Seon Ki Park and Robert Fremr in Trial Chamber III.

During the trial's opening statement on 17 January, prosecutor White told the three judges that the accused, "could have exercised his authority and his influence to save lives of Rwandan citizens, but he chose to do otherwise. That choice was premised on his individual acceptance of a collective genocidal philosophy". White said that the former Captain personally went to the scenes of massacres where he exercised his "persuasive charismatic power over armed forces in the region."

The accused is represented by lead counsel John Philpot of Canada, who also made an opening statement on 17 January, telling the court that the killings in 1994 were "excesses" as part of a war and "They were unplanned and anarchical and not systematically connected to our client, who was not involved in these massive events."

The prosecution presented evidence of massacres in Butare during April 1994, including at a Catholic church where civilian Tutsi were seeking sanctuary. The court heard a number of witnesses describe killings at the Butare University Hospital facility, including the killings by soldiers of medical workers for Médecins Sans Frontières. Two witnesses from MSF testified that Captain Nizeyimana was the military liaison officer for the hospital at the time of the killings. Other prosecution eyewitnesses testified to seeing Captain Nizeyimana at the scene of killings, including at the University, at the Groupe Scolaire and in his own neighbourhood.

The prosecution also presented evidence that the elderly Tutsi queen, Rosalie Gicanda, was killed by Captain Nizeyimana's subordinate officers.

In addition to the 38 witnesses who testified in person, the prosecution case included the documentary evidence of a number of deceased witnesses, including the late Dr Alison Des Forges, who died in a plane crash in February 2009. Dr. Des Forges had previously testified in 11 other ICTR cases as a prosecution expert witness. Between 1997 and 2007 she provided more than 100 days of expert testimony at the ICTR. Transcripts of her 2005 testimony in the 'Butare' case were admitted into evidence by the Trial Chamber in the case against Captain Nizeyimana.

The International Criminal Tribunal for Rwanda was established in November 1994 by United Nations Security Council resolution 955. The first trial judgement was rendered in September 1998. The Security Council has issued directions for the Tribunal to complete all remaining trials by the end of 2011. On



the present schedule for the ICTR completion strategy, the trial of Captain Nizeyimana may become the final trial the Prosecutor brings before the Trial Chamber.

Appeal proceedings at the Tribunal are expected to continue beyond 2012.

The prosecution trial team includes counsels Kirsten Gray of New Zealand, Yasmine Chubin of the USA and Zahida Virani of Canada. The Accused is represented by John Philpot and Cainnech Lussiaà-Berdou, both of Montreal, Canada.

ICTR Organizes LCC Basic Training Course

The Headquarters Committee on Contracts (HCC) and the Chairperson of the Local Committee on Contract, (LCC) of the ICTR, Ms. Ifeoma Ojemeni Okali organized LCC Basic Training Course for the LCC members and the staff members involved in the procurement process at the East African All Suite Hotel, Arusha, from 8 to 10 February 2011. The Opening Address was delivered by the Chief of Administration, Dr. Sarah Kilemi on behalf of the Registrar, Mr. Adama Dieng who was then on official mission. She remarked that the training was a form of capacity building for the staff in compliance with the completion strategy of the ICTR more so as we continued to experience high turnover, it was important that the more staff we have knowledgeable in this field the better.

The need for this particular training for LCC members and persons involved in the procurement process has never been greater. The increase in the threshold value for LCC has resulted in greater number of procurement cases reviewed by the LCC. With such great volumes and the sensitivity of the subject matter involved, it was therefore very important for LCC members as well as all staff involved in the procurement process to undergo such trainings.



(l-r) Mr. Dieng, Ms. Okali, Mr. Bartel-Kodwo and Mr. Pinto

The Course content included the following:

- basic foundation on the role and responsibilities of the HQ Committee on Contracts and the LCC
- the knowledge on the UN procurement processes and procedures
- understanding of the principles of the delegation of authority and practical guidance on certain key issues

The training was informative and enriching. The trainers were Mr. Ronald Pinto of the HCC and the Chief of Procurement Section of the ICTR, Mr. Emmanuel Bartel-Kodwo with the LCC Chairperson, Ifeoma Ojemeni Okali coordinating the training. At the conclusion of the training, the 32 staff members who participated shared their experience with the Registrar, Mr. Adama Dieng who presented them with certificates. They were thankful to the Administration, the LCC Chairperson and the trainers for better equipping to discharge their respective responsibilities in the acquisition process, efficiently.



The group took a picture with the Registrar and the training was then declared closed with the Registrar delivering his closing remarks.

Staff Counselling & Welfare Unit



Participants in Kigali

During this stressful period of downsizing at the Tribunal, a lot of people would like to learn some useful and practical tips in order to deal with it. Ms. Francesca Paola Crabu, the Staff Counsellor, facilitated a "Stress Management Training/Comment gérer le stress" for 20 staff members in Kigali. The training was interactive with demonstrations of physical exercises aimed at keeping away stress and boosting energy.



ICTR Interns

In Arusha, the Staff Counsellor facilitated the "Cross Cultural Communication Training" for new Interns coming from many different countries. For most of them it is the first time to work in such a multicultural



environment. The exchange of different points of view and the discussions raised were challenging for everyone. The interns had a great opportunity to better understand and share one of the main core values of UN staff members - "Respect for diversity".

- **Welfare Unit : Celebrating 100 years of International Women's day**

2011 marks the Centenary of International Women's Day (IWD), first organized in 1911 by German women's suffrage campaigner Clara Zetkin. The purpose of the day was to campaign on behalf of women around the world to get voting rights, among other things. Even though it is not considered to be a public holiday, it is widely recognized and celebrated all over the world.

To celebrate this Centenary, the Staff Counselling & Welfare Unit jointly with the Welfare Committee will honor its women along with those of the Arusha community, at Mount Meru hotel on the 8 March 2011 by hosting a dinner and dance. Several special guests and personalities from the community and the ICTR will be present. We will also have an award presentation for various women and girls who have inspired us or have won competitions this year. A debate on diverse topics will also be held.

Come and join us on that day to celebrate women!

"One woman can change anything. Many women can change everything."

- Unknown author -

- **Welfare Unit in Kigali**

Staff Counselling & Welfare Unit, Staff Association and the Kigali Welfare Committee organized the first welfare activity in Kigali on Friday 25 February 2011 at the Rotunda by showing a movie to the children of staff members. Complimentary pop corn and soft drink were offered.

Over 50 children attended, creating a friendly and relaxed environment. It was so stress relieving to be surrounded by happy children at the Tribunal. In fact, at the end of the film everybody played with the children who were thrilled to get lollipops as well!



Photos of all women staff members working at the Tribunal in both Kigali and Arusha were taken. These will be used to form part of an exhibition on the International Women's Day and also in a brochure afterwards.

ICTR Staff Member honoured for her contribution to Human Rights and Peace Building



On 22 February 2011, The Kroc Institute of the University of Notre Dame, Indiana, USA, awarded Rosette Muzigo-Morrison, a staff Member of the Tribunal, the Distinguished Alumni Award for the year 2011 for her work in Human Rights and Peace Building. Rosette, a Ugandan national started her career with the Tribunal in February 1995 as a Legal intern after which she was appointed to

work with the Office of the Prosecutor. She is one of the longest serving Legal Officers of the Tribunal as she has been there from inception.

In her acceptance speech, Rosette paid tribute to her family, the many colleagues and friends who have supported her over the last 15 years. Bringing perpetrators to justice and justice to the victims has been a very rewarding experience for her.

Interns' Corner

- **Mount Kilimanjaro Marathon – Magic in the Air!**
by Prue Kenny, ICTR Intern



On Sunday 27 February a few staff members and interns took part in the 2011 Mount Kilimanjaro Marathon held in Moshi. It was a truly magnificent day to say the least! There was a 5 km event, a half marathon (21 km) and a full marathon (42 km). The race started at 7am ... and boy oh boy did

it start with a bang! There were approximately 4,000 participants. With music blasting from the speakers and the beautiful Mt Kilimanjaro towering majestically ahead, the atmosphere was electric!! The local people from the villages were a fantastic support, cheering the runners on, which resulted in an elated adrenaline rush for all participating.

For those who took part in the half marathon it proved to be a very testing run with the first 10.5kms being on an upward incline. Fortunately the view of Kilimanjaro that we ran towards was comforting to our pavement pounding efforts. The summit with its snow capped top was in full view on that cloudless early morning.



Ready to go ...

From the ICTR participants Chris Holt, from Australia, an intern with Chambers was the first over the line and ended his run in one hour and 43 minutes with a sprint finish with the crowd cheering and applauding.



A truly wonderful day was had by all and will remain in the memory bank forever!



ICTR Wazees

Those who participated in the event include-Sophia Gallo, Jordina Rust, Chris Holt, Hannah Tonkin, Linda Zouari, Gregg Shankman, Rani Dogra, Ingeborg Sommerfeld, Aatsa Atogho, Isaac Endeley, Chiara Biagioni, Johan Soufi, Giulia Chiara, Nina Tavakoli, Andrew Boyle, Oliver Windridge, Prue Kenny, Drew White, Yasmin Chubin and Zahida Virani, and Emmanuel Noubiap.



ICTR Interns

• **My Day in the Audio Redaction Unit** by *Ali Draguendoul, ICTR Intern*



During my internship at the ICTR, I have benefited from several training sessions in Archives and Audio Redaction Unit. This unique experience enabled me to understand the paramount importance that the Tribunal attaches to the question of preserving and maintaining the archives and the Court's jurisprudence as part of its legacy.

The staff of this Unit were willing to train us despite their busy schedule. Audio redaction work needs a lot of concentration as it deals with testimonies of witnesses, the detainees and court proceedings. First different types of audio recordings need to be sorted out by case file, then comes the process of redacting them in order to ensure that the identity of a protected witness is not disclosed to the public. Finally, the staff of this Unit, working collaboratively with the Transcript Redactor of the Witnesses & Victims Support Section in order to ensure that the audio and transcript redactions are similar, file the recordings in a specific manner.

I was equally impressed by the team spirit of the staff of this Unit. There are two groups: One responsible for French Audio redaction and the other for the English. Another group handles the editorial floor consisting of the three languages, English, French and Kinyarwanda.

This training was extremely fruitful. I found it an enriching and challenging experience. I would like to express my heartfelt appreciation and gratitude to all the staff of the Audio Redaction Unit for enabling this experience.

• **Interns Challenged to Embrace the Spirit of Cultural Relativism** by *Gills Msiska-ICTR intern*



Interns at the UNICTR have been challenged to become "cultural relativists" if they are to succeed in working for an international organization, especially the UN. The challenge was made by the UNICTR Staff Counselor, Ms Francesca Crabu, on Friday, 11

February 2011, while conducting a training that lasted for 5 hours for interns in Cross Cultural Communication. "If you want to work with any international organization like the UN, you need to be more flexible in your mind on cultural issues," said Ms Crabu.

Quoting from her vast experience working with the UN in six different countries, Ms Crabu observed that the majority of misunderstandings among UN workers are caused because of differences in culture. "For



example,” she said, “UNICTR alone has employees from 70 countries across the world.” “It is therefore very easy to misunderstand each other’s words, actions, and even gestures,” she added. She argued that this is the case because what a certain word, gesture or action may denote in one culture cannot be the same in another, hence the need to learn other people’s cultures. “That’s why you need to have an idea of the different cultures,” she said adding that “All you need is to be flexible and to accept the cultural differences.”

Ms. Crabu also advised the participants that there is no culture that is right or wrong and none which is superior to another. “We are not here to judge the culture but to learn because in cross-cultural communication, there is nothing wrong with any culture but mere differences among the cultures,” she said.

Responding to a question on why the training was

organized for the interns, the Internship Coordinator, Ms Felicia Madigane said that the training is important for a favourable working environment at the Tribunal. “We wanted to make interns aware of the differences in terms of backgrounds and culture so that they become tolerant of people in the work place in order to create a productive working environment.” She said.

The one-day long training was attended by 11 interns.

At the end of the seminar, Abdullah Mubarak Ahmed, an ERSPS intern from Tanzania said, “I attended the training in order for me to broaden my knowledge on how to engage with people from different countries.” Adeline Ngwa, a Cameroonian intern with the Staff Welfare Association Section, when she was asked if she got anything from the training, said “Before this training, I was so closed up but now I will be open minded when dealing with people from other cultures and backgrounds.”