



ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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Nchamihigo Sentenced to Life Imprisonment



Trial Chamber III of the International Criminal Tribunal for Rwanda (ICTR), on 24 September 2008 sentenced Siméon Nchamihigo, former Deputy Prosecutor in Cyangugu Prefecture to life imprisonment after finding him guilty of genocide, extermination, murder and other inhumane act as crimes against humanity.

In sentencing Nchamihigo, the Trial Chamber, composed of Judges Charles Michael Dennis Byron (presiding), Gberdao Gustave Kam and Robert Fremr, took into account in particular that he committed the crimes despite his position as a Rwandan prosecutor.

The Chamber found that on 7 April 1994, Siméon Nchamihigo told *Interahamwe* to seek out and kill Tutsi with the intention to destroy the Tutsi ethnic group and other civilians who were RPF accomplices, as part of a widespread attack against civilians in Cyangugu. The Chamber also found that Siméon Nchamihigo participated in various attacks on refugee places. The Chamber further finds that he attended the prefecture Security Council meetings on 11 and 14 April 1994, and that some of the massacres were planned during those meetings, especially the transfer of Tutsi refugees to the Kamarampaka stadium and the subsequent removal of some of them who were killed.

Among the aggravating factors in this case, the Chamber noted that Siméon Nchamihigo, as a deputy prosecutor of Cyangugu Prefecture, was in a prominent public position of

trust; yet he exhibited zeal in the perpetration of these grave crimes. Because of his position in the justice system, he was expected to uphold the rule of law and principles of morality.

The Chamber found few mitigating circumstances. While the accused may have been a good father, this factor had little impact on the sentence. Evidence also existed that the accused assisted a few people especially close to him. This factor carried limited weight as a mitigating factor in light of the totality of the evidence. The Chamber believed that limited mitigation was warranted.

He was charged with four counts. On 29 June 2001, he pleaded not guilty to all charges during his initial appearance.

Nchamihigo was arrested in Arusha by Tanzanian authorities on 19 May 2001 at the request of the ICTR Prosecutor. He was transferred to the Tribunal's Detention Facility on 25 May 2001. The accused was represented by Denis Turcotte from Canada. The Prosecution was led by Alphonse Van, Senior Trial Attorney, assisted by trial attorneys Adama Niane, Lloyd Strickland, and Madeleine Schawrtz .

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(from left to right) Judges Kam, Byron (presiding), and Fremr



ICTR Judicial Activities

Judicial Calendar - 19 to 25 September 2008

Case	Bench	Prosecution	Defence (Lead Counsel only)	Party presenting his/here case	Courtroom
Karemera et al. E. Karemera M. Ngirumpatse J. Nzirorera	Judges Byron (Pres.), Kam, Joensen	D. Webster A. Frankson-Wallace I. Morley S. N'Dow G. Visser S. Ballah-Conteh T. Sendze D. Mbutu	D. Diagne P. Robinson F. Weyl	Defence for Karemera	Laity Kama
Nchamihigo	Judges Byron (Pres.), Kam, Fremr	Van, L. Strickland, M. Schwarz, A. Niame, M. Keefer	D. Turcotte	Judgement delivered on 24 September 2008	Laity Kama
Ndindiliyimana et al A. Ndindiliyimana F.-X. Nzuwonemeye I. Sagahutu A. Bizimungu	Judges De Silva (Pres.), Hikmet, Park	S. Jegede, TA M. Sefon, LA A.Tambadou, ATA F. Mushi, ATA	C. Black C. Taku F. Segatwa G. Saint-Laurent	Defence for Nzuwonemeye (continued) [From 8 Sept.]	CR III
Nsengimana	Judges Møse (Pres.), Egorov, Arrey	W. Kapaya S. Ntukamazina Ch. Kagwi-Ndungu B. Wallace I. Ismail J. Mukangira	E. Altit D. Hooper	Defence (continued) [From 15 Sept.]	CR IV
Nshogoza	Judges Khan (Pres.), Muthoga, Short	R. Karegyesa, R. Madenga, A. Seye, D. Mabura	A. Turner	Adjourned <i>sine die</i>	
Nyiramasuhuko et al. E. Ndayambaje J. Kanyabashi P. Nyiramasuhuko A. Ntahobali S. Nsabimana A. Nteziryayo	Judges Sekule (Pres.), Ramaroson, Bossa	A. Whest H. Makwaia, A. Alexis-Windsor	P. Boulé M. Marchand N. Bergevin N. Marquis J. Kadji F. Pacere	Defence for Ndayambaje (continued); adjourned on 24 September till 20 October	CR II
Setako	Judges Møse (Pres.), Egorov, Arrey	I. Ojemeni-Okali, C. Fomenky, S. Mawere	L. Hinds	Prosecution [from 25 August]	CR IV

OTHER LANDMARK FACTS

Amended Practice Direction on the Procedure for the Designation of Enforcement States

On 23 September, ICTR President Byron signed a revised and amended Practice Direction on the procedure for designation of the state in which a convicted person is to serve his/her sentence of imprisonment.

Work of the Trial Chambers and the Appeals Chamber

After the judicial recess from Mid-July to Mid-August 2008, the three Trial Chambers and the Appeals Chamber have resumed full activities. Details as to each Trial Chamber and Appeals Chamber activity are

provided hereinafter.

Trial Chamber I

Ongoing trials

Setako

The Prosecution case commenced on 25 August 2008 and is currently ongoing before Trial Chamber I. The Chamber has heard eleven witnesses.

Nsengimana

The Chamber has concluded the hearing of evidence in that case. The hearing of closing arguments is scheduled for 20 and 21 November 2008.



Cases where judgement delivery is awaited

Bagosora et al

Deliberations in this case are ongoing. The Chamber will announce the date of judgment in due course.

Renzaho

Deliberations in this case are ongoing. The Chamber will announce the date of judgment in due course.

Cases where referral to a domestic jurisdiction is pending

The Chamber is seized of a further referral request pursuant to Rule 11 *bis* for the referral of the case of **Jean-Baptiste Gatete** to a domestic jurisdiction, which will be decided when the Appeals Chamber has decided the three transfer cases which are currently on appeal.

The Chamber rendered one decision (granting *amicus curiae* status to the Republic of Rwanda) in this case.

Trial Chamber II

Ongoing trials

Nyiramasuhuko et al. (Butare)

The Chamber heard the 23rd witness for Ndayambaje and adjourned on 24 September until 20 October for lack of witnesses after the withdrawal of three witnesses. A break had already been scheduled from 6 to 17 October. On 20 October, Ndayambaje will start his testimony, the Defence has indicated that he will need between one and two weeks for his examination in chief. One more factual witness for Ndayambaje remains to be heard and one factual witness for Kanyabahi is scheduled in November. The Chamber has reiterated that the case must be closed by 14 November 2008.

Bizimungu et al.

Since the close of proceedings on 13 June 2008, the Chamber is deliberating on the remaining motions pending before it, including those concerning witness-related issues for the Prosper Mugiraneza defence case.

The Chamber will conduct a judicial visit of certain sites in Rwanda between 5 and 10 October 2008, and will hear the Parties' closing submissions during the week commencing 1 December 2008. The Prosecution is scheduled to file its closing brief on 1 October 2008, and the Defence teams between 10 and 21 November 2008.

Military II

Between 19 and 25 September 2008, three Nzuwonemeye witnesses testified in this case.

On 22 September 2008, the Chamber issued its decision on the Defence Motions claiming a violation by the Prosecutor of his obligation to disclose exculpatory material pursuant to Rule 68 of the Rules of Procedure and Evidence. The Chamber granted the Motions in part and found that the Prosecution violated its obligation under Rule 68 in respect of several

documents discussed in the decision. The Chamber also ordered the Defence teams, if they wish to do so, to file a Motion within 14 days to recall identified Prosecution or additional Defence witnesses. Furthermore, the Chamber issued a reprimand to the Prosecutor of the ICTR in respect of the Prosecution's lack of diligence in the disclosure of exculpatory material in this case.

Rukundo

The Chamber is currently engaged in the judgement drafting.

Trial Chamber III

Ongoing trials

Kalimanzira

The Chamber has rendered four decisions since the end of the judicial recess. The Defence case is scheduled to commence on 17 November 2008.

In one decision, the Chamber decided that the Defence had no case to answer with respect to some allegations after the Prosecution indicated it would forsake reliance on its sole witness' testimony on those allegations. This clarifies the case for the Defence at the earliest possible stage, in the interests of safeguarding the rights of the Accused to know the charges against him, have adequate time to prepare, and have a fair and expeditious trial.

Karemera et al.

On 25 August 2008, the Chamber had to adjourn the proceedings until 15 September 2008 due to the illness of one of the co-accused, Mathieu Ndirumpatse.

It should be recalled that on 5 October 2007, the Appeals Chamber overruled the Trial Chamber's decision in the case of *Karemera et al.* to continue the proceedings in the absence of the Joseph Nzirorera who was ill at the time. The Appeals Chamber held, amongst others, that in the circumstance of a joint trial, when determining whether the presence of the accused is required during the cross-examination of a witness, it is irrelevant whether or not the witness's testimony was likely to concern the alleged acts and conduct of a co-accused only.

Currently 16 motions are pending in the case, including motions requesting the cooperation of Switzerland and Belgium. Seven decisions have been filed since the end of the judicial recess, including a decision denying Nzirorera's request that all Prosecution *ex parte* submissions be disclosed to him, and another where the Chamber found that the Prosecution has violated its disclosure obligations for the thirteenth time. In the latter decision, the Prosecution was issued a warning for its repeated disclosure violations. In another decision on various motions by Ndirumpatse, the Chamber ordered, amongst others, *proprio motu* to reduce the number of witnesses in his witness list to 35.

Nshogoza

The Chamber held a Status Conference in this case on 28 August 2008 for the purposes of ascertaining trial



readiness of the Parties in light of the impending 29 September 2008 commencement date.

Following orders by the Chamber, the Registrar assigned counsel to the Accused on 20 August 2008. The Chamber is currently deliberating on a number of motions pending before it, including an application by the Accused to be assigned counsel of his own choosing. As a result of the non-resolution of the issue of the Accused's counsel, and the lack of trial readiness on the part of the Defence (in light of the very recent assignment of the counsel for the Accused), the Chamber has vacated the trial date *sine die*.

Cases where referral to a domestic jurisdiction is pending

Kayishema

Fulgence Kayishema is an accused at large. The Chamber is currently seized with a Prosecution motion for the referral of his case to Rwanda. Following instructions of the Chamber of 2 May 2008, the Registrar has appointed Defence Counsel to represent the interests of the Accused in his absence.

Cases where judgement delivery is awaited

Bikindi

The Chamber heard the closing arguments on 26 May 2008. The Chamber is currently drafting the judgement.

Zigiranyirazo

The Chamber heard the closing arguments on 28 and 29 May 2008. The Chamber is currently drafting the judgement.

Cases where judgement was delivered

Nchamihigo

The Chamber delivered the judgement in this case on 24 September 2008. The Chamber found Simeon Nchamihigo guilty of genocide and extermination, murder and other inhumane acts as crimes against humanity and sentenced him to life imprisonment.

In its Judgement, the Chamber finds that on 7 April 1994, Simeon Nchamihigo, the deputy prosecutor of Cyangugu Prefecture, told *Interahamwe* to seek out and kill Tutsi with the intention to destroy the Tutsi ethnic group and other civilians who were RPF accomplices, as part of a widespread attack against civilians in Cyangugu. Some individuals were

subsequently killed while one Gakwandi was attacked but survived with serious injury. The Chamber also finds that Simeon Nchamihigo participated in various attacks on refuge places and that he attended the prefecture security council meetings on 11 and 14 April 1994 where some of the massacres were planned, especially the transfer of Tutsi refugees to the Kamarampaka stadium and the subsequent removal of some of them who were later killed. Consequently, the Chamber found that Simeon Nchamihigo is guilty on all four counts: genocide and crimes against humanity (extermination, murder, and other inhumane acts). The Chamber further found some aggravating circumstances, in particular Nchamihigo's position as a deputy prosecutor, while it considered that the mitigating circumstances warranted limited weight.

Appeals Chamber

The Appeals Chamber is seized of one appeal from judgement, in the *Karera* case, in which the hearing took place on 28 August 2008 in Arusha. Deliberations and judgement drafting are in progress.

The Appeals Chamber is also seized of three appeals by the Prosecutor against decisions denying his motions to refer the cases of Yussuf Munyakazi, Gaspard Kanyarukiga, and Ildephonse Hategekimana to Rwanda. The briefing, pre-appeal work, and deliberations in these appeals are proceeding.

Further, the Appeals Chamber is seized of an appeal from Andre Ntagerura concerning State cooperation in which briefing is proceeding.

In addition to these appeals, the Appeals Chamber is seized of an appeal from Eliezer Niyitegeka concerning access to protected materials, five motions arising from the *Nahimana et al* Appeal Judgement, two requests from Emmanuel Ndindabahizi relating to a potential request for review, as well as a motion for provisional release from Tharcisse Muvunyi.

Since the beginning of this year, the Appeals Chamber has delivered two Judgements, in the *Seromba* and *Muvunyi* cases, three interlocutory appeal decisions, and sixteen decisions on requests for review, reconsideration, or other matters. It has also issued sixty-two preliminary decisions or orders.

To date, the Appeals Chamber has delivered twenty Appeal Judgements.

Judicial Decisions of the ICTR from 1 July to 30 September 2008

Date	Record Number	Title	TC
01/07/2008	ICTR-01-67-0057	KAYISHEMA - DECISION ON THE REQUEST BY IBUKA & AVEGA FOR LEAVE TO APPEAR AND MAKE SUBMISSIONS AS AMICUS	TC 3
01/07/2008	ICTR-01-67-0058	KAYISHEMA - DECISION ON ADAD'S (THE ORGANISATION OF ICTR DEFENCE COUNSEL) MOTION FOR RECONSIDERATION OF REQUEST FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
01/07/2008	ICTR-01-67-0059	KAYISHEMA - DECISION ON THE REQUESTS OF THE REPUBLIC OF RWANDA TO BE SERVED WITH THE AMICUS BRIEFS OF HUMAN RIGHTS WATCH AND THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEYS ASSOCIATION (ICDAA) AND TO PREPARE A WRITTEN RESPONSE	TC 3



Date	Record Number	Title	TC
01/07/2008	ICTR-01-67-0060	KAYISHEMA - DECISION ON THE DEFENCE'S REQUEST FOR EXTENSION OF TIME TO FILE A COMPREHENSIVE RESPONSE TO THE PROSECUTOR'S MOTION FOR REFERRAL AS WELL AS TO ALL OTHER REQUESTS AND BRIEFS FILED IN THAT MOTION	TC 3
01/07/2008	ICTR-01-67-0061	KAYISHEMA - CORRIGENDUM TO THE DECISION ON THE APPLICATION BY THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEY'S ASSOCIATION (ICDAA) FOR LEAVE TO FILE A BRIEF AS AMICUS CURIAE	TC 3
01/07/2008	ICTR-01-67-0062	KAYISHEMA - CORRIGENDUM TO THE DECISION ON THE REQUEST BY HUMAN RIGHTS WATCH FOR LEAVE TO APPEAR AS AMICUS CURIAE IN THE PROCEEDINGS FOR REFERRAL OF THE INDICTMENT AGAINST FULGENCE KAYISHEMA TO RWANDA	TC 3
01/07/2008	ICTR-01-67-0063	KAYISHEMA - CORRIGENDUM TO THE DECISION ON THE REQUEST OF THE REPUBLIC OF RWANDA FOR LEAVE TO APPEAR AS AMICUS CURIAE	TC 3
03/07/2008	ICTR-98-42-0789	NYIRAMASUHUKO ET AL - DECISION ON KANYABASHI'S MOTION TO RE-OPEN HIS CASE AND TO RECALL PROSECUTION WITNESS QA	TC 2
04/07/2008	ICTR-00-56-0959/2	NDINDILYIMANA ET AL - DECISION RELATIVE A LA REQUETE DE NZUWONEMEYE TENDANT A L'EXCLUSION DE LA PREUVE RELATIVE AUX ACTES NON EXPOSES DANS L'ACTE D'ACCUSATION	TC 2
04/07/2008	ICTR-00-56-0959/1	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S MOTION TO EXCLUDE ACTS NOT PLEADED IN THE INDICTMENT	TC 2
08/07/2008	ICTR-98-44-3623/2	KAREMERA ET AL - DECISION ON EDOUARD KAREMERA'S MOTION FOR RECONSIDERATION OF THE MAY 2008 ORDER IN RESPECT OF BERNARD LUGAN	TC 3
08/07/2008	ICTR-98-44-3623/1	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOUARD KAREMERA EN RECONSIDERATION DE L'ORDONNANCE DU 5 MAI 2008 CONCERNANT BERNARD LUGAN	TC 3
09/07/2008	ICTR-98-44-3625	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT STATEMENTS OF AUGUSTIN KARARA	TC 3
10/07/2008	ICTR-98-44-3627	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR INSPECTION: MICHEL BAGARAGAZA	TC 3
10/07/2008	ICTR-05-88-0070	KALIMANZIRA - DECISION ON PROSECUTION MOTION FOR ADMISSION OF CERTAIN MATERIALS	TC 3
11/07/2008	ICTR-96-14-0452	NIYITEGEKA - PROSECUTOR'S RESPONSE TO NIYITEGEKA'S "APPEL GROUPE CONTRE LES DECISIONS DE LA CHAMBRE DE PREMIERE INSTANCE III DU 14 FEVRIER 2008 ET DU 25 FEVRIER 2008, RESPECTIVEMENT, SUR LES REQUETES D'ELIEZER NIYITEGEKA AUX FINS DE COMMUNICATION DES PRO	AC
11/07/2008	ICTR-00-56-0973	NDINDILYIMANA ET AL - DECISION ON SAGAHUTU'S SECOND REQUEST FOR VARIATION OF HIS WITNESS LIST	TC 2
14/07/2008	ICTR-96-14-0453/2	NIYITEGEKA - ADDENDUM TO CONSOLIDATED APPEL AGAINST DECISIONS RENDERED BY TC 111 ON 14 FEBRUARY 2008 AND 25 FEBRUARY 2008 RESPECTIVELY ON ELIEZER NIYITEGEKA'S MOTION FOR DISCLOSURE OF CLOSED SESSION TRANSCRIPTS OF WITNESS DD IN MUHIMANA ...	TC 1
14/07/2008	ICTR-96-14-0453/1	NIYITEGEKA - ADDENDUM A LA "APPEL GROUPE CONTRE LES DECISIONS DE LA CHAMBRE DE PREMIERE INSTANCE III DU 14 FEVRIER 2008 ET DU 25 FEVRIER 2008 RESPECTIVEMENT, SUR LES REQUETES D'ELIEZER NIYITEGEKA AUX FINS DE COMMUNICATION DES PROCES-VERBAUX DES AUDIENCES	TC 1
15/07/2008	ICTR-98-44-3632	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO VACATE ADJUDICATED FACT NO.13	TC 3
15/07/2008	ICTR-98-44-3634/1	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S ORAL MOTION FOR SANCTIONS AGAINST SENIOR TRIAL ATTORNEY FOR VIOLATION OF NO-CONTACT RULE WITH WITNESS BTH	TC 3
15/07/2008	ICTR-98-44-3634/2	KAREMERA ET AL - DECISION SUR LA REQUETE ORALE DE JOSEPH NZIRORERA DEMANDANT LA PRISE DE SANCTIONS CONTRE L'AVOCAT GENERAL PRINCIPAL POUR VIOLATION DE L'INTERDICTION FAITE AUX PARTIES D'AVOIR DES CONTRACTS AVEC LE TEMOIN BTH	TC 3
15/07/2008	ICTR-00-56-0965	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S SUPPLEMENTAL MOTIONS ON ALLEGED DEFECTS IN THE FORM OF THE INDICTMENT	TC 2
15/07/2008	ICTR-97-36A-0080	MUNYAKAZI - DECISION ON REQUEST FROM THE INTERNATIONAL CRIMINAL DEFENCE ATTORNEYS ASSOCIATION (ICDAA) FOR PERMISSION TO FILE AN AMICUS CURIAE BRIEF	TC 3



Date	Record Number	Title	TC
16/07/2008	ICTR-98-44-3635	KAREMERA ET AL - DECISION ON "REQUETE POUR M. NGIRUMPATSE EN CERTIFICATION D'APPEL DE LA DECISION DU 16 JUIN 2008 RELATIVE A SA REQUETE EN ACQUITTEMENT, ET A TITRE SUBSIDIAIRE EN ANNULATION DES INTERROGATOIRES COMPLEMENTAIRES DU PROCUREUR POSTERIEURS ...	TC 3
16/07/2008	ICTR-00-56-0967	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S REQUEST FOR RECONSIDERATION OF THE CHAMBER'S DECISION DATED 9 JUNE 2008	TC 2
16/07/2008	ICTR-98-44-3636	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO STRIKE 1993 INCITEMENT ALLEGATION FROM THE INDICTMENT AND MATHIEU NGIRUMPATSE'S "REQUETE VISANT AU RETRAIT DES ALLEGATIONS D'INCITATION AU GENOCIDE ANTERIEURES A 1994 DE L'ACTE D'ACCUSATION	TC 3
16/07/2008	ICTR-98-44-3638/2	KAREMERA ET AL - DECISION ON THE PRESENTATION OF EDOUARD KAREMERA'S EVIDENCE	TC 3
16/07/2008	ICTR-98-44-3637	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO STRIKE ALLEGATION OF CONSPIRACY WITH JUVENAL KAJELIJELI ON THE BASIS OF COLLATERAL ESTOPPEL	TC 3
16/07/2008	ICTR-98-44-3638/1	KAREMERA ET AL - DECISION RELATIVE A LA PRESENTATION DE SA PREUVE PAR EDOUARD KAREMERA	TC 3
17/07/2008	ICTR-96-14-0455/1	NIYITEGEKA - REPLIQUE A LA " PROSECUTOR'S RESPONSE TO NIYITEGEKA'S "APPEL GROUPE CONTRE LES DECISIONS DE LA CHAMBRE DE PREMIERE INSTANCE III DU 14 FEVRIER 2008 ET DU 25 FEVRIER 2008 RESPECTIVEMENT, SUR LES REQUETE E'ELIEZER NIYITEGEKA'S AUX FINS DE COMMU	TC 1
17/07/2008	ICTR-96-14-0455/2	NIYITEGEKA - REPLY TO THE "PROSECUTOR'S RESPONSE TO NIYITEGEKA'S 'CONSOLIDATED APPEAL AGAINST DECISIONS RENDERED BY TC III ON 14 FEBRUARY 2008 AND 25 FEBRUARY 2008 RESPECTIVELY ON ELIEZER NIYITEGEKA'S MOTIONS FOR DISCLOSURE OF TRANSCRIPTS.	TC 1
18/07/2008	ICTR-97-36A-0075	MUNYAKAZI - DECISION ON REQUEST FROM THE REPUBLIC OF RWANDA FOR PERMISSION TO FILE AMICUS CURIAE BRIEF	AC
21/07/2008	ICTR-01-71-0306	NDINDABAHIZI - PROSECUTOR'S RESPONSE TO NDINDABAHIZI'S "REQUETE EMMANUEL DEMANDANT A LA CHAMBRE DE PREMIERE INSTANCE I DE RECONSIDERER SA DECISION DU 5 MARS 2008 SUR LES TEMOIGNAGES SOUS SCSELLES DES TEMOINS CGE, CGX, CGB, CGF ET CGH, OU A DEFAUT LUI AC	TC 1
23/07/2008	ICTR-00-55B-0064/2	HATEGEKIMANA - DECISION RELATIVE A LA REQUETE AUX FINS DE TRADUCTION DE DOCUMENTS ET DE REPORT DES DELAIS	AC
23/07/2008	ICTR-99-50-1991	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S REQUEST FOR DISCLOSURE ORDER - RULE 68 (A) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
23/07/2008	ICTR-99-50-1992	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON MUGENZI'S MOTION FOR FURTHER CERTIFIED DESCLOSURE AND LEAVE TO REOPEN HIS DEFENCE - RULE 75 (B) OF THE RULES OF PROCEDURE AND EVIDENCE -	TC 2
23/07/2008	ICTR-00-55B-0064/1	HATEGEKIMANA - DECISION ON MOTION FOR TRANSLATION AND EXTENSION OF TIME	AC
23/07/2008	ICTR-99-50-1988	BIZIMUNGU ET AL - DECISION ON DEFENCE MOTION TO RECONSIDER ORDER OF 2 JUNE 2008 DENYING ADMISSION OF CHURCH AND SCHOOL RECORDS	TC 2
23/07/2008	ICTR-99-50-1995	DECISION ON DEFENCE MOTION SEEKING THE APPOINTMENT OF AMICUS CURIAE TO INVESTIGATE POSSIBLE FALSE TESTIMONY BY WITNESSES GFA, GAP AND GKB	TC 2
23/07/2008	ICTR-99-50-1990	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S MOTIN FOR RECONSIDERATION OF THE CHAMBER'S FURTHER ORDERS REGARDING THE FILING OF CLOSING BRIEFS	TC 2
23/07/2008	ICTR-99-50-1996	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S MOTION TO ADMIT INTO EVIDENC THE TRANSCRIPTS FROM THE MUNYAKAZI REFERRAL HEARING - RULE 89 (C) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
23/07/2008	ICTR-99-50-1989	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION TO ADMIT PORTIONS OF THE DEPOSITION OF WITNESS RDG - RULES 71 AND 89 (C) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
23/07/2008	ICTR-99-52-2300	NAHIMANA ET AL - NGEZE - DECISION ON HASSAN GEZE'S MOTIONS OF 17 JUNE 2008 AND 10 JULY 2008	AC
25/07/2008	ICTR-96-14-0460	NIYITEGEKA - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RE-CLASSIFICATION AND SUGGESTION FOR APPOINTMENT OF COUNSEL	AC



Date	Record Number	Title	TC
30/07/2008	ICTR-01-63-0014	NCHAMIHIGO - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR. BENIOT HENRY CO - COUNSEL FOR THE ACCUSED SIMEON NCHAMIHIGO	TC 3
04/08/2008	ICTR-04-81-0083/1	SETAKO - ORDER FOR TRANSFER OF DETAINED WITNESSES	TC 1
04/08/2008	ICTR-01-74-0025	KARERA - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR. STEVE KELLIHER, CO-COUNSEL FOR THE APPELLANT FRANCOIS KARERA	AC
04/08/2008	ICTR-98-44-3671	KAREMERA ET AL - REPONSE DE M. NGIRUMPATSE A L'APPEL FORME PAR ELIEZER NIYITEGEKA CONTRE LES DECISIONS DE LA CHAMBRE DE PREMIERE INSTANCE III LUI REFUSANT L'ACCES A DES DOCUMENTS CONFIDENTIELS PROVENANT DES PROCES NAHIMANA ET KAREMERA ET AUTRES	TC 3
06/08/2008	ICTR-98-44-3679/1	KAREMERA ET AL - REPONSE DE M. NGIRUMPATSE A L'APPEL FORME PAR ELIEZER NIYITEGEKA CONTRE LES DECISIONS DE LA CHAMBRE DE PREMIERE INSTANCE III LUI REFUSANT L'ACCES A DES DOCUMENTS CONFIDENTIELS PROVENANT DES PROCES NAHIMANA ET KAREMERA ET AUTRES	TC 3
06/08/2008	ICTR-98-44-3679/2	KAREMERA ET AL - NGIRUMPATSE'S RESPONSE TO THE APPEAL BY ELIEZER NIYITEGEKA AGAINST TC III'S DECISION DENYING ACCESS TO CONFIDENTIAL MATERIALS IN NAHIMANA AND KAREMERA ET AL	AC
06/08/2008	ICTR-98-44-3681	KAREMERA ET AL - CONSOLIDATED DECISION ON JOSEPH NZIRORERA'S MOTION TO RECALL WITNESS GBU AND "REQUETE DE M. NGIRUMPATSE VISANT AU RAPPEL DU TEMOIN GBU"	TC 3
06/08/2008	ICTR-98-44-3682	KAREMERA ET AL - DECISION ON "REQUETE DE LA DEFENSE DE M. NGIRUMPATSE EN RETRAIT DE LA DEPOSITION DU TEMOIN GFJ ET DES PIECES AFFERENTES"	TC 3
08/08/2008	ICTR-95-1B-0241	MUHIMANA - DESIGNATION OF A TC TO CONSIDER THE PROSECUTION URGENT EX PARTE MOTION TO UNSEAL AND DISCLOSE PERSONAL INFORMATION SHEETS AND RESCIND PROTECTIVE MEASURES FOR CERTAIN WITNESSES	TC 3
08/08/2008	ICTR-98-44-3688/1	KAREMERA ET AL - REQUETE EN EXTENTION DE DELAI DE DEPOT DE LA SOUMISSION DE EDOUARD KAREMERA EN REPONSE A L'APPEL FORME PAR NIYITEGEKA SUITE AUX DECISIONS DE LA CHAMBRE III LUI REFUSANT L'ACCES AUX DOCUMENTS CONFIDENTIELS	TC 3
11/08/2008	ICTR-02-78-0130	KANYARUKIGA - DECISION RELATIVE A LA DEMANDE DU PROCUREUR TENDANT A CE QUE L'AFFAIRE SOIT RENVOYEE A LA REPUBLIQUE DU RWANDA	TC 1
13/08/2008	ICTR-05-88-0078	KALIMANZIRA - CORRIGENDUM TO SCHEDULING ORDER	TC 3
13/08/2008	ICTR-98-44-3699	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S MOTION TO IMPOSE A FINAL DEADLINE FOR NGIRUMPATSE TO COMPLY WITH HIS OBLIGATIONS UNDER RULE 73 NGIRUMPATSE'S CORRIGENDUM	TC 3
13/08/2008	ICTR-98-44-3703	KAREMERA ET AL - APPOINTMENT OF AN INDEPENDENT AMICUS CURIAE TO INVESTIGATE WITNESS BTH FOR FALSE TESTIMONY IN PROSECUTOR V KAREMERA ET AL (TC III DECISIONS OF 14 2008 AND 30 JULY 2008	TC 3
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13/08/2008	ICTR-98-44-3701	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE D'EDOUARD KAREMERA RELATIVE AU TEMOIGNAGE DE NKM VIA VIDEOCONFERENCE	TC 3
13/08/2008	ICTR-95-1B-0243	MUHIMANA - CORRIGENDUM AND REVISED DECISION DESIGNATING A TC TO CONSIDER THE PROSECUTION URGENT EX-PARTE MOTION TO UNSEAL AND DISCLOSE PERSONAL INFORMATION SHEETS AND RESCIND PROTECTIVE MEASURES FOR CERTAIN WITNESSES	TC 3
13/08/2008	ICTR-98-44-3700/2	KAREMERA ET AL - DECISION ON MATHIEU NGIRUMPATSE'S MOTION FOR REVIEW OF THE 17 APRIL 2008 ORDER FOR PROTECTION OF HIS WITNESSES	TC 3
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20/08/2008	ICTR-98-44-3719	KAREMERA ET AL - SOUMISSION DE EDOUARD KAREMERA A LA SUITE DE LA DECISION DE LA CHAMBRE III DU 13 AOUT 2008: MESURES DE PROTECTION	TC 3
21/08/2008	ICTR-96-15-0892	KANYABASHI - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MS. SIMONE SANTERRE, CO-COUNSEL FOR THE ACCUSED JOSEPH KANYABASHI	TC 2
21/08/2008	ICTR-98-44-3721	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S EMERGENCY MOTION FOR NO CONTACT ORDER AND "REQUETE URGENTE DE MATHIEU NGIRUMPATSE AUX FINS D'INTERDIRE AU PROCUREUR DE CONTACTER TOUTE PERSONNE FIGURANT SUR LA LISTE DE TEMOINS SANS L'ACCORD PREALABLE.....	TC 3
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22/08/2008	ICTR-00-56-0989	NDINDILYIMANA ET AL - DECISION ON SAGAHUTU'S REQUEST TO HEAR EXPERT WITNESS DR. HELMUT STRIZEK VIA VIDEO-LINK	TC 2
22/08/2008	ICTR-98-44-3723	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S FOURTH MOTION FOR INSPECTION OF DEFENCE WITNESS INFORMATION	TC 3
25/08/2008	ICTR-00-55B-0067/1	HATEGEKIMANA - DECISION ON REQUEST FOR CLARIFICATION OF TIME LIMITS	AC
25/08/2008	ICTR-98-44-3727	KAREMERA ET AL - CORRIGENDUM - SOUMISSION DE EDOUARD KAREMERA A LA SUITE DE LA DECISION DE LA CHAMBRE III DU 13 AOUT 2008: MESURES DE PROTECTION	TC 3
25/08/2008	ICTR-00-55B-0067/2	HATEGEKIMANA - DECISION RELATIVE A LA REQUETE EN PRECISION DE LA COMPUTATION DU DELAI POUR REpondre A L'ACTE D'APPEL DU PROCUREUR	AC
26/08/2008	ICTR-05-88-0079/2	KALIMANZIRA - DECISION FAISANT SUITE A LA REQUETE DE LA DEFENSE EN CERTIFICATION D'APPEL DE LA DECISION DE LA CHAMBRE RELATIVE A LA REQUETE DU PROCUREUR TENDANT A FAIRE ADMETTRE CERTAINES PIECES	TC 3
26/08/2008	ICTR-98-44-3729	KAREMERA ET AL - DECISION ON JUSTIN MUGENZI'S CONFIDENTIAL MOTION FOR THE VARIATION OF PROTECTIVE MEASURES IN RESPECT OF WITNESS BTH/GFA AND THE TRANSMISSION OF SEALED EXHIBITS PRODUCED AND REFERRED TO DURING THE COURSE OF THAT WITNESS'S TESTIMONY ...	TC 3
26/08/2008	ICTR-05-88-0079/1	KALIMANZIRA - DECISION ON DEFENCE MOTION FOR CERTIFICATION TO APPEAL CHAMBER'S DECISION ON PROSECUTION MOTION FOR ADMISSION OF CERTAIN MATERIALS	TC 3
27/08/2008	ICTR-98-44-3731	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR EXTENSION OF TIME	TC 3
28/08/2008	ICTR-98-44-3733	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO KAREMERA'S <SOUMISSION DE EDOUARD KAREMERA A LA SUITE DE LA DECISION DE LA CHAMBRE II DU 13 AOUT 2008: MESURES DE PROTECTION> AND <CORRIGENDUM SOUMISSION ...	TC 3
29/08/2008	ICTR-98-42-0797	NYIRAMASUHUKE ET AL - DECISION ON THE PARTIES ORAL MOTIONS TO REVIEW THE TIME LIMITS AND LENGTH OF CLOSING BRIEF OF THE 2 JULY 2008 SCHEDULING ORDER	TC 2
01/09/2008	ICTR-02-78-0136	KANYARUKIGA - DECISION ON REQUEST FROM THE REPUBLIC OF RWANDA FOR PERMISSION TO FILE AN AMICUS CURIAE BRIEF	TC 1
01/09/2008	ICTR-02-78-0137	KANYARUKIGA - DECISION ON REQUEST TO ADMIT ADDITIONAL EVIDENCE OF 01 AUGUST 2008	TC 1
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02/09/2008	ICTR-99-50-1468	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S COMPOSITE MOTION CONCERNING PAGE LIMITS ON CLOSING BRIEFS	TC 2
02/09/2008	ICTR-97-21-0978	NYIRAMASUHUKE ET NTAHOBALI - DECISION ON PROSECUTION MOTION FOR EXTENSION OF TIME	TC 2
02/09/2008	ICTR-98-44-3736	KAREMERA ET AL - REPLY BRIEF: MOTION FOR RECONSIDERATION OF DECISION ON JOSEPH NZIRORERA'S MOTION FOR INSPECTION: MICHEL BAGARAGAZA	TC 3
02/09/2008	ICTR-99-50-0279	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION TO ADMIT PORTIONS OF TRANSCRIPT OF ANOTHER PROCEEDING - RULE 89 (C) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
02/09/2008	ICTR-97-21-0979	NYIRAMASUHUKE ET NTAHOBALI - DECISION ON PROSECUTION MOTION FOR EXTENSION OF TIME	TC 2
03/09/2008	ICTR-05-88-0083	KALIMANZIRA - DECISION OF NO CASE TO ANSWER	TC 3



Date	Record Number	Title	TC
04/09/2008	ICTR-05-88-0084/1	KALIMANZIRA - DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS D'OBTENIR L'AUTORISATION DE RENCONTRER MONSIEUR CALLIXTE KALIMANZIRA A L'UNDF LE SAMEDI 13 ET LE DIMANCHE 14 SEPTEMBER 2008	TC 3
04/09/2008	ICTR-02-78-0139	KANYARUKIGA - CORRIGENDUM (DECISION ON REQUEST FROM THE REPUBLIC OF RWANDA FOR PERMISSION TO FILE AN AMICUS CURIAE)	TC 1
04/09/2008	ICTR-98-44-3738	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S EX-PARTE MOTION RE : EXHIBITS DNZ-444-45 AND DNZ-463-66	TC 3
04/09/2008	ICTR-98-44-3739	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR DISCLOSURE OF EX-PARTE PROSECUTION SUBMISSIONS	TC 3
05/09/2008	ICTR-01-69-0013/1	NSENGIMANA - DECISION ON DEFENCE REQUEST FOR VIDEO-LINK TESTIMONY (WITNESS XFR38)	TC 1
05/09/2008	ICTR-01-69-0013/2	NSENGIMANA - DECISION SUR LA REQUETE DE LA DEFENSE AUX FINS DE DEPOSITION PAR VOIE DE VIDEO CONFERENCE (TEMOIN XFR38)	TC 1
08/09/2008	ICTR-00-61-0064	GATETE - DECISION ON AMICUS CURIAE REQUEST (REPUBLIC OF RWANDA) RULE 74 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 1
08/09/2008	ICTR-98-44-3742	KAREMERA ET - DECISION ON JOSEPH NZIRORERA'S MOTION TO RECONSIDER THE WARNING ISSUED TO CO-COUNSEL	TC 3
09/09/2008	ICTR-00-56-0993	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE'S VERY URGENT SECOND MOTION TO VARY HIS WITNESS LIST (Rule 73ter (E) of the RPE)	TC 2
11/09/2008	ICTR-99-46-0064	NTAGERURA - DECISION ON MOTION FOR LEAVE TO APPEAL THE PRESIDENT'S DECISION OF 31 MARCH 2008 AND THE DECISION OF TC III RENDERED ON 15 MAY 2008	AC
11/09/2008	ICTR-98-44-3746	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S ELEVENTH NOTICE OF RULE 68 VIOLATION AND MOTION FOR STAY OF PROCEEDINGS	TC 3
15/09/2008	ICTR-99-52-2310	NAHIMANA ET AL - BARAYAGWIZA - DEMANDE DE CLARIFICATIONS EN RELATION AVEC LA DECISION DU 9 SEPTEMBRE 2008 A PROPOS DE LA REQUETE DE JEAN-BOSCO BARAYAGWIZA DU 02 MAI 2008	AC
15/09/2008	ICTR-01-69-0031	NSENGIMANA - DECISION ON ADMISSION OF WRITTEN STATEMENTS	TC 1
16/09/2008	ICTR-00-55B-0073	HATEGEKIMANA - DECISION ON A REQUEST FOR AN EXTENSION OF TIME TO FILE A CROSS-APPEAL	TC 3
17/09/2008	ICTR-00-56-0996/1	NDINDILYIMANA ET AL - DECISION ON NZUWONEMEYE AND NDINDILYIMANA'S MOTIONS FOR SPECIAL PROTECTIVE MEASURE (Rule 75 and 90 of the RPE)	TC 2
17/09/2008	ICTR-98-44-3750	KAREMERA ET AL - DECISION RELATIVE AUX REQUETES EN RECONSIDERATION ET EN EXTENSION DES DELAIS CONCERNANT LA PRESENTATION DE LA PREUVE DE MATHIEU NGIRUMPATSE	TC 3
19/09/2008	ICTR-00-56-0999	NDINDILYIMANA ET AL - DECISION RELATIVE A LA REQUETE DE NZUWONEMEYE EN REEXAMEN DE LA DECISION DE LA CHAMBRE DE PREMIERE INSTANCE DATEE DU 09 JUIN 2008	TC 2
22/09/2008	ICTR-00-56-1000/1	NDINDILYIMANA ET AL - DECISION ON DEFENCE MOTIONS ALLEGING VIOLATION OF THE PROSECUTOR'S DISCLOSURE OBLIGATIONS PURSUANT TO RULE 68	TC 2
22/09/2008	ICTR-01-74-0080	KARERA - DECISION ON THE APPELLANT'S ORAL MOTION TO DECLARE HIS APPEAL BOOK AND BOOK OF AUTHORITIES VALIDLY FILED	AC
22/09/2008	ICTR-98-44-0204	KAREMERA ET AL - PROSECUTOR'S RESPONSE TO NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL THE TC III DECISION ON HIS ELEVENTH NOTICE OF RULE68 VIOLATIONS IN RELATION TO SANCTIONS	TC 3
22/09/2008	ICTR-99-50-2025	BIZIMUNGU ET AL - DECISION ON GENERAL BIZIMUNGU'S MOTION FOR DISCLOSURE OF CLOSED SESSION MATERIAL OF DEFENCE WITNESS WZ4 (RULES 68 AND 75 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
23/09/2008	ICTR-96-14-0461	NIYITEGEKA - DECISION ON EXTREMELY URGENT MOTION FOR EXTENSION OF TIME FOR FILING A REPLY	AC
23/09/2008	ICTR-01-71-0057	NDINDABAHIZI - DECISION ON EMMANUEL NDINDABAHIZI'S REQUEST FOR ACCESS TO "CONFIDENTIAL INFORMATION "	AC
24/09/2008	ICTR-99-46-0137	NTAGERURA - REGISTRAR'S SUBMISSIONS UNDER RULE 33 (B) OF THE RULES ON THE MOTION OF ANDRE NTAGERURA TO APPEAL A DECISION OF THE PRESIDENT OF THE ICTR DATED 31 MARCH 2008 AND A DECISION OF TC III DATED 15 MAY 2008	TC 3

Date	Record Number	Title	TC
29/09/2008	ICTR-98-44-0309	KAREMERA ET AL - .DECISION ON MOTION FOR RECONSIDERATION OF DECISION ON JOSEPH NZIRORERA'S MOTION FOR INSPECTION: MICHEL BAGARAGAZA	TC 3
30/09/2008	ICTR-98-42-1457	NYIRAMASUHUKO ET AL - DECISION ON NTAHOBALI'S MOTION FOR ADMISSION OF DOCUMENTS INTO EVIDENCE	TC 2
30/09/2008	ICTR-98-42-1456	NYIRAMASUHUKO ET AL - DECISION ON KANYABASHI'S CONFIDENTIAL MOTION FOR DISCLOSURE OF THE TRANSCRIPTS OF WITNESS QA'S STATEMENT BEFORE CANADIAN JUDICIAL AUTHORITIES	TC 2

Trial of Ephrem Setako Begins



The trial of a former senior officer in the Rwandan Armed Forces and Director of the Judicial Affairs Division of the Rwandan Ministry of Defence, Lieutenant-Colonel Ephrem Setako, began on 25 August 2008 before Trial Chamber I

composed of Judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence Rita Arrey.

In its opening statement, the Prosecution told the Trial Chamber that it would present 25 witnesses who will testify and prove beyond reasonable doubt that the accused was one of the principal planners and executors of the genocide in Rwanda in 1994. Based on his seniority and close association with other high ranking military officers, politicians in President Juvénal Habyarimana's government, civilian authorities, businessmen and leaders of militia groups, Setako is alleged to have formed part of a joint criminal enterprise to eliminate Tutsis at various places throughout Rwanda between 7 April and July 1994.

Senior Trial Attorney Ms. Ojemeni Okali stated that the accused allegedly committed these crimes despite the fact that he was a highly educated and privileged person who was a lawyer as well as a soldier.

Defence Counsel Professor Lennox Hinds indicated that he did not wish to make an opening statement at this stage. However, he cautioned the Trial Chamber to seek the truth as far the allegations against the accused were concerned.

Lieutenant-Colonel Setako (59) is charged with six counts of genocide, or alternatively complicity in genocide, crimes against humanity (murder and extermination), as well as violations of Article 3 common to the Geneva Conventions and Additional Protocol II. The accused pleaded not guilty to all counts on 22 November 2004.

The Prosecution alleges that the accused, who was born in Nkuli Commune, Ruhengeri Prefecture, planned, instigated, ordered and participated in killing of Tutsi civilians in Ruhengeri and Kigali-ville prefectures. He is also alleged to have distributed arms to members of the Rwanda Armed Forces, the Presidential Guard, the *Interahamwe*, the *Amahindure* (Civil Defence Forces), and other soldiers engaged in the killings.

The accused was arrested on 25 February 2004 in Amsterdam, The Netherlands and transferred to the United Nations Detention Facility on 17 November 2004 at the request of the Tribunal.

Defence Closes Case in Nsengimana Trial

On 11 July 2008, the Defence closed its case against Hormisdas Nsengimana, a priest who was formerly Rector of Christ-Roi College in Nyanza, Nyabisindu commune in Butare prefecture. Nsengimana is alleged to have been among the organisers of the killing of Tutsis in Nyanza in 1994 and is charged with genocide, murder and extermination as crimes against humanity. He disputes all allegations against him.



The Defence case commenced on 2 June 2008. The Chamber heard 22 Defence witnesses, including Father Nsengimana, over 20 trial days, of which several were half days. The Defence case was closed subject to the hearing of an expert witness. The Prosecution closed its case on 7 February 2008, after having called 19 witnesses.

The Chamber is conducting a visit to the alleged crime sites in Rwanda from 14 to 16 July 2008. Following the filing of closing briefs, the parties will present their oral arguments on 20 and 21 November 2008.

The Trial Chamber is composed of Judges Erik Møse, presiding, Sergei Alekseevich Egorov and Florence Rita Arrey. Nsengimana is represented by Maitre Emmanuel Altit from France and David Hooper from England. The Prosecution team is led by Senior Trial Attorney Wallace Kapaya and includes Charity Kagwi-Ndungu, Sylver Ntukamazina, Brian Wallace, Iskander Ismail and Jane Mukangira.

Tharcisse Muvunyi Appeal Judgement:

New trial ordered on the charge of direct and public incitement to commit genocide and all remaining convictions reversed

The Appeals Chamber of the International Criminal Tribunal for Rwanda on 29 August 2008 overturned the convictions of Tharcisse Muvunyi for genocide, direct and public incitement to commit genocide based on a speech he gave in Gikonko, and



other inhumane acts as a crime against humanity. The Appeals Chamber also quashed Muvunyi's conviction for direct and public incitement to commit genocide based on a speech he gave at the Gikore Trade Center and ordered a retrial limited to the allegations considered in relation to this incident.

The Appeals Chamber composed of Judges Fausto Pocar, presiding, Mohamed Shahabuddeen, Liu Daqun, Theodor Meron and Wolfgang Schomburg then quashed the sentence of 25 years' imprisonment imposed by the Trial Chamber and dismissed all other grounds of appeal.

From 1 March until mid-June 1994, Tharcisse Muvunyi served as Lieutenant-Colonel in the Rwandan Armed Forces, stationed at the École des sous-officiers ("ESO") in Butare Prefecture. His trial commenced on 28 February 2005, and he was convicted by Trial Chamber II in its Judgement rendered on 12 September 2006. His appeal, together with that of the Prosecution, was heard in Arusha on 13 March 2008. Tharcisse Muvunyi is to remain in the Tribunal's Detention Facility pending his retrial.

Appeals Chamber Hears Oral Arguments in Karera Case



The Appeals Chamber of the International Criminal Tribunal for Rwanda, composed of Judge Fausto Pocar, presiding, Judge Mohamed Shahabuddeen, Judge Mehmet Güney, Judge Liu Daqun and Judge Theodor Meron, on 28 August 2008

heard oral arguments regarding the appeal by François Karera against the Judgement rendered by Trial Chamber I on 7 December 2007.

The Trial Chamber found Karera guilty of genocide, extermination as a crime against humanity, and murder as a crime against humanity in relation to attacks against and the murder of Tutsis in the communes of Nyarugenge, Rushashi and Kanzenze, and sentenced Karera to imprisonment for the remainder of his life.

Karera alleges that the Trial Chamber committed numerous errors of law and fact and accordingly requests the Appeals Chamber to overturn his convictions and to order his release or, in the alternative, to order a retrial or to quash his life sentence and substitute it with an appropriate sentence. The Prosecution opposes the relief sought and asks the Appeals Chamber to dismiss all grounds of the appeal.

The Appellant was born in 1938, in Huro *secteur*, Musasa *commune*, Kigali *préfecture*. For fifteen years he was the *bourgmestre* of Nyarugenge commune. On 9 November 1990, the Appellant was appointed *sous-préfet* of Kigali *préfecture*, and on or around 17 April 1994, he was appointed by the Interim Government as *préfet* of Kigali *préfecture*.

ICTR Town Hall Meeting on Completion Strategy

The Chief of DASS, Ms. Sarah Kilemi scheduled a Town Hall meeting on 19 September 2008 to which all members of staff were invited. The staff in Kigali attended the meeting via a video link, while an audio link was made available for staff at The Hague. The staff were addressed by the President, Judge Dennis Byron, the Registrar, Mr. Adama Dieng and the Deputy Prosecutor, Mr. Bongani Bajola. The main agenda items were an update on trials and information on posts for abolition.



Judge Byron briefed the staff on trials going on before the Tribunal. He explained that the Tribunal had substantially complied with its Completion Strategy, upholding the requirements of fair trials and protecting the rights of the accused – while facing challenges that were in many cases not foreseeable.

The Prosecutor, whose speech was read on his behalf by Mr. Majola, elaborated on the status of the redeployment of staff to the Appeals and Legal Advisory Division of the OTP.



The Registrar dwelt on matters pertaining to the ICTR Supplementary Budget and Issuance of Separation Notices in view of the Completion Strategy being implemented by the ICTR.



The President of the ICTR Staff Association, Mr. Optatus Nchimbi underlined the concerns of the staff members and implored all managers to include the Staff Association in their Staff Retention Committee to maintain transparency during the exercise of downsizing.

Ms. Kilemi moderated the question and answer session and made the closing remarks.



Staff Development & Training

14-18 July 2008: three D-level staff members participated in the Leadership Development Programme (LDP) organized by the Office of Human Resources and Management (OHRM) for staff at D-1 and D-2 which was held at the Glen Cove Mansion in Glen Cove, New York.

The training program has been designed into four stages as follows;

- An initial introductory phase including a 360-degree feedback process;
- A five day residential workshop in New York;
- A six months application phase at the

workplace;

d) A second residential workshop to be held in a duty station away from New York to allow participants to consolidate their learning and to access their progress towards their goals.

28 July through 8 August: Security & Safety Section staff members in SSS, WVSS and external participants from UNON participated in an Advanced VIP and Close Protection Training, which was held in Arusha.

This Training will improve the substantive and technical skills of the staff members in the following areas;

- a) To better perform Close Protection duties as an individual operative or team.
- b) To better prepare to tactically react to any given situation under any condition.
- c) To be in better physical condition with improved combat advantage to cope and handle surprise situations in any hostile environment.
- d) To better understand the concept of counter-terrorism, the use of explosives, bugs, and vehicles as a weapon and car-bombs.
- e) To better understand the advanced concept of engaging multiple targets while securing and extracting a VIP from a danger zone.



A group photos taken during the awarding of certificates to some of the successful trainees

13-15 August 2008: nine BMS staff members attended the seminar on Construction Contracts organised by the Tanzanian Contract Registration Board which was held at AICC here in Arusha. The purpose of this seminar was to equip construction practitioners with the necessary awareness, skills and best practices in construction contracts that will enable them execute contracts effectively, anticipate common contractual site problems and challenges, act proactively and thus avoid disputes and disagreements.

Special Representative of the Government of Rwanda to the ICTR Addresses Interns

An interns' conference titled "*Rwanda and the ICTR*" took place on 24 July 2008 in the Serengeti 3rd floor conference room. The purpose of the meeting was to hear the view of the Special Representative of the Government of Rwanda to the ICTR, Mr. Alloys Mutabingwa on the work of the ICTR. Mr. Mutabingwa expressed the satisfaction of the Rwandan government with the trial and appeals process of the ICTR. He, however, reiterated that it was important for



the ICTR to respect its completion strategy timeframe and transfer all pending trials to Rwanda. 29 interns participated. The Conference was convened by legal intern Errol Muzawazi.

Meditation Workshops ...

In these times of uncertainty and anxiety, the focus on staff welfare has indeed been very encouraging and hugely welcome. The recent Meditation Workshops held at ICTR were another great example of this commitment from HRPS and Administration to staff well-being. Due to an overwhelming response from staff members, a number of the 3-day workshops were held over several weeks with each session lasting for one hour after work. The purpose of the meditation is to enable full mind and body relaxation. During the session, the participants were introduced to simple techniques to reduce accumulated tension and improve focus which consisted of breathing exercises, concentration and visualisation.

On the first day, it felt a bit strange being told to remove my shoes and sitting on the floor of the language facility with fellow staff members. I also found it quite hard to completely clear my busy mind of all thoughts which is necessary for effective meditation. All I could think about was that e-mail still awaiting a response or the groceries that I needed to pick up on the way home. However I decided to stick with it and on the second day it really began to take effect. I found myself so relaxed that I was almost falling asleep and I am pretty sure my colleagues were too! Unfortunately not enough participants turned up on the third day to conduct a meaningful session. Staff members were able to obtain a CD of the sessions for future meditation in their own time, which I am sure to be doing. I would definitely recommend it to those who hesitated initially and for those who participated, Happy Meditating!

Visitors to the ICTR

• The UN Security Council

A Security Council Informal Working Group on the Tribunals (SCIWGT) visited the Tribunal from 29 to 30 September 2008. The Group, composed of the current members on the Council, was made up of the following country representatives: Belgium (Head of Delegation), Burkina Faso (presiding), China, Croatia, France, Panama, Russian Federation, South Africa, United Kingdom and United States of America. They were accompanied by His Excellency, Paul Jansen, Ambassador of Belgium to the United Republic of

Tanzania and by a Senior Legal Officer from the Office of Legal Affairs at the UN Secretariat in New York.



Mr. Guindo guiding members of the Working Group of UN Security Council delegation on a visit to the UNDF

The SCWIGT held extensive talks with the three Principals of the Tribunal, the President, the Prosecutor and the Registrar of ICTR, along with Senior Officers from all sections in ICTR. They were briefed on the achievements of the ICTR and its challenges as it nears the end of its mandate.



The delegates visit the kitchen for the detainees at the UNDF

The Delegation left for the ICTY (The Hague) on 30 September on a similar mission.

- **Lord Lea of Crondall Obe, House of Lords, London**

On 4 August 2008, the International Criminal Tribunal for Rwanda (ICTR) welcomed Lord Lea of Crondall



Lord Lea (extreme right) with Roland Amoussouga and Rachida Draguendoul

Obe, House of Lords, London, who visited the ICTR Headquarters in Arusha for an in-depth briefing on the work, achievements and challenges of the Tribunal. The MP was briefed at length by Mr. Roland Amoussouga, Chief of the External Relations and Strategic Planning Section and ICTR Spokesperson.

- **Activities of the Protocol Support Services**

The Protocol Support Services, ERSPS, handled about 883 visitors, for a familiarization with the Tribunal's work, resources and facilities, both judicial and administrative. They were from academic and religious institutions, professional and law bodies, the Diplomatic Corps, national Government organs and Defence Forces.

Noteworthy were the visits of the officials from the Vatican City in Rome, the Delegation of the European Commission in Rwanda, the US State Department in the Office of War Crime Issues and the UN Security Council.

There is a noticeable increase in the number of visitors to the Tribunal interested in the activities of the ICTR generated by the ICTR Completion Strategy and in its accomplishments and challenges.

News from Kigali

- **ICTR Trains Rwanda's Legal Personnel**

As part of Umusanzu Extension Project, from 7-25 July 2008, ICTR Staff members from Umusanzu Information Centre conducted a series of training for Rwanda's Provincial Judiciary on Online Legal Information Research. Up to 70 participants including Judges, Prosecutors, Registrars and other legal personnel attended the training.

Umusanzu Extension Project aims at improving communications and facilitates access to the jurisprudence of the International Criminal Tribunal for Rwanda (ICTR), and other legal materials for members of the Rwandan Judiciary working in courts outside Kigali.

The project is being implemented by the ICTR in collaboration with the European Union within the framework of extending judicial support to the Government and people of Rwanda. Ten Mini-Information Centers are being established as a means of bridging the information gap between the ICTR and Rwandan population.

The overall objective of the training seminar was to equip the participants with the knowledge, skills and techniques that are necessary to conduct efficient information search on the Internet. Specifically, the workshop was designed and delivered to enable the participants become aware of the incalculable volume of free and subscription-based information resources available on the Internet and familiarize themselves with a wide variety of research tools that are available electronically among others.

This programme covered the first and second phases

in six locations namely; Muhanga, Nyamagabe, Karongi, Gicumbi, Musanze and Rubavu. The third phase that involves Ngoma, Nyagatare, Gasabo and Rusizi is scheduled for September this year.



Some of the trainees with Jonas Mutwaza

The training was facilitated by Jonas Mutwaza of Umusanzu Library, accompanied by Kamanzi Innocent, the ERSPS Kigali Sub Office Coordinator and Kamuru Charles, the Public Information Assistant in Kigali.

It follows similar ones already organized by the ICTR for Judges, Prosecutors, members of the Rwandan Bar Association and Professionals from Rwanda's High Institutions of Learning.

News from The Hague

• Activity of the Appeals Chamber

During July and August, the Appeals Chamber was seized of two appeals from judgement. The Appeals Chamber delivered its judgement in the *Muvunyi* case in Arusha on 29 August 2008. Additionally, the Appeals Chamber heard the appeal from judgement in the *Karera* case in Arusha on 28 August 2008.

The Appeals Chamber is also seized of three appeals by the Prosecutor against decisions denying his motions to refer the cases of Yussuf Munyakazi, Gaspard Kanyarukiga, and Ildephonse Hategekimana to Rwanda. The Appeals Chamber is presently deliberating on the appeal in the *Munyakazi* case while the briefing and pre-appeal work in the other two cases is proceeding.

In addition to these appeals, the Appeals Chamber is seized of five motions arising from the *Nahimana et al* Appeal Judgement, as well as a request from Andre Ntagerura concerning State cooperation in which briefing is now complete and deliberations are in progress, and requests in the *Niyitegeka* case concerning access to protected materials and *Ndindabahizi* case relating to review.

During July and August, in addition to delivering the judgement in the *Muvunyi* case, the Appeals Chamber delivered post-appeal decisions in the *Ngeze* case as well as twelve other decisions or orders, including decisions on requests for leave to file *amicus curiae* briefs related to the Rule 11bis appeals.

During September, the Appeals Chamber issued four decisions related to requests for review,

reconsideration, or other matters as well as nine preliminary decisions or orders.

To date, the Appeals Chamber has delivered twenty Appeal Judgements.

• Testimonies of witnesses by video-link

Following the Orders of 19 February 2008 and 02 April 2008 issued by Trial Chamber III, composed of Judges Dennis C. M. Byron (ICTR, President, Presiding), Gberdao Bustave Kam and Vagn Joensen, the Other Registry Services Sub-Unit (ORSS-U) of the ICTR Office in The Hague organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearing of testimonies by video-conference link of four witnesses in July 2008.

A Thought from an Intern

• More time for the ICTR

This year is an important landmark in the Completion Strategy of the International Criminal Tribunal for Rwanda (ICTR), said Hassan Jallow, Prosecutor of ICTR during his briefing to the Security Council in June 2008. In its "Completion Strategy" Resolution 1503 adopted in 2003, the Security Council urged the Tribunal to formalize a strategy in order to allow it to achieve its objective of completing all trial activities at the first instance by the end of 2008 and all its work in 2010.

To date, as Judge Dennis Byron, President of ICTR, stated, the Tribunal has substantially complied with its Completion Strategy while "*upholding trial fairness and the rights of the accused*". He added that "*despite the recent additional workload, the evidence phase of all remaining cases, but four, will be completed by the end of 2008, with judgements expected at the latest in 2009*". A total number of 86 persons would have been tried for their leading role in the commission of serious violations of international humanitarian law in Rwanda during 1994.

Nonetheless, Prosecutor Jallow stated that although a significant number of accused persons would have been brought before the Tribunal, it has now become evident that there will still be trial proceedings pending by the end of 2008.

The recent arrests of Nsabonimana, Ntawukuriryayo and Ngirabatware respectively in DRC, France and Germany point to the need for extending the mandate of the Tribunal. These accused having held a leadership position in 1994, their cases are such that their transfer to Rwanda should not be contemplated. Rather, they should stand trial before ICTR. Ngirabatware was Minister of Planning while Nsabonimana was Minister of Youth in the Interim Government and Ntawukuriryayo *sous-prefet* in Butre prefecture.

Although their trials could be scheduled to commence by the end of this year, judgements would likely not be delivered before the latter part of 2009. As a result, a

case could clearly be made for seeking an extension of the mandate of the Tribunal until 2009. Such extension was granted for the Judges. The issue now is whether it will be enough?

Indeed, the Prosecutor has sought a referral to Rwanda of the cases of four accused in the custody of the Tribunal. But should such referrals not be granted and in light of the fact that so far no country other than Rwanda has expressed a willingness to receive any of these cases, these would constitute additional work in 2009 for the ICTR.

The Prosecution has been actively involved over the last year with the Rwandan National Prosecution office in capacity building efforts, including a series of training seminars and workshops for Rwandan prosecutors. However, although the death penalty was repealed, ICTR Trial Chambers are yet to be satisfied that, if transferred, the accused would receive a fair trial.

In June, for instance, the Chamber denied a request for the transfer of Kanyarukiga's case to Rwanda, ruling that the Judges were not satisfied that the accused would have received a fair trial as the Defence might have encountered difficulties calling witnesses from outside Rwanda as well as witnesses residing in Rwanda because they would have been afraid to testify. Finally, if sentenced to life imprisonment the accused would have faced solitary confinement because of uncertainties attending Rwandan Law. The requests for transfer of Munyakazi and Hategekimana were also denied.

In other words, the issue is whether Rwanda is ready to try such high-level accused? And if they cannot be tried before ICTR, where should they face justice?

So far none of the requests for transfer to Rwanda or any other country, filed by the Prosecutor, have been granted.

Thirteen accused persons remain at large. Many states are now actively committed to locating and arresting fugitives residing in their territories. Although the Prosecutor intends to seek referral of the cases of most of these accused to national jurisdictions, four of them are slated for trial before the Tribunal because of the leadership roles they played during the 1994 genocide. In the event that they are arrested there will be need to consider whether and how they could be brought before the Tribunal.

Whether the extension sought and granted is such as to allow ICTR to complete all ongoing trials as well as to try potentially incoming accused is still an open question. If ICTR is unable to transfer cases to Rwanda and cannot find any other country to which it could refer at least some of them for trial, a one-year extension may prove distinctly inadequate in the face of ICTR's goal of "Challenging Impunity"?

Table of World Recognition of ICTR Former Officials

Name	Former Position at ICTR	Current Position
Navanethem Pillay	President	UN High Commissioner for Human Rights
Lovemore Green Munlo	Deputy Registrar	Chief Justice, Malawi
Mohamed Chande Othman	Chief of Prosecution	Judge, High Court of Tanzania
Steven Rapp	Chief of Prosecution	Prosecutor of the Special Court Sierra Leone, SCSL
Silvana Arbia	Chief of Prosecutions	Registrar, ICC
Fatou Bensouda	Senior Legal Advisor	Deputy Prosecutor, ICC
Robert Petit	Legal Advisor, Kigali	Prosecutor ECCC, Cambodia
Prisca Nyambe	Chief General Legal Services	Judge, Zambia & elected <i>ad litem</i> Judge to ICTY
Maxwell Nkole	First Commander, Investigations	Executive Chairman, Task Force on Corruption, Zambia
Mohamed Ali Lejmi	Investigator/Crime Analyst, OTP	Deputy Director of Investigations, UNIIC, Lebanon
Didier Preira	OIC, DCDMS	Deputy Registrar, ICC

Mr Didier Preira newly elected Deputy Registrar of the International Criminal Court

*The Hague, 10 September 2008
ICC-CPI-20080910-PR352_ENG*



Didier Preira
Photo by
ICC-CPI-Hans Hordijk

On Tuesday 9 September 2008, the judges meeting in plenary session elected by an absolute majority Mr. Didier Preira of Senegal as Deputy Registrar of the International Criminal Court for a five-year term, in accordance with the procedure laid down in the Rules of Procedure and Evidence. He will take up his functions at a date to be determined shortly.

Mr. Preira holds a Masters Degree in Private Law and has extensive experience in international law, criminal law, and the judicial management aspects of international criminal law.

Since August 2004 he has been the Head of the



Division of Victims and Counsel in the Registry of the ICC. In 1999 he joined the International Criminal Tribunal for Rwanda (ICTR) initially as Deputy Chief of the Defence Counsel and Detention Management Section and then as Chief of the Section. From 1988 to 1999 he was senior partner in the Law Firm *Konate & Pereira*, a Barrister of the Senegalese Bar Association and member of the Executive Board of the Senegalese Bar Association.

The responsibilities of the Registry, as one of the four organs of the Court, include security, public information and documentation, legal advisory and the management of administrative services such as budget, finance, procurement, general services, human resources and information technology. In

addition two other distinct areas fall within the remit of the Registry: court services (including language services, the detention unit, witness protection and support) and services to counsel and victims (including defence support and assistance to victims seeking participation and reparation).

The Deputy Registrar will assist the Registrar, Ms. Silvana Arbia in anticipating, planning, guiding and evaluating the work of the Registry, will represent her in meetings as required, and will help to ensure proper communication with the other organs of the Court and with relevant stakeholders.

Mr. Didier Pereira is the first Deputy Registrar of the International Criminal Court.

Former ICTR President becomes UN High Commissioner for Human Rights

Former President of the UN International Criminal Tribunal for Rwanda Judge Navanethem Pillay assumed on 1 September 2008 her new post as the new UN High Commissioner for Human Rights for the coming five years. Judge Pillay was appointed to the new post by the UN General Assembly on 28 July 2008.

Judge Pillay, a South African national, was elected as President of the ICTR in May 1999 and re-elected to a second term of office in 2001. She served as Judge of the ICTR since May 1995, following her election to that position by the General Assembly of the United Nations. The Judge participated in the adjudication of a number of historic cases before the ICTR that have established precedents for various international



jurisdictions. These cases include the *Kambanda case*, in which the former Prime Minister was convicted, on a plea of guilty, of genocide and crimes against humanity and sentenced to life imprisonment. This was the first conviction of a head of Government by an international court.

Another landmark case in which Judge Pillay participated was the *Akayesu case*. This was the first ever judgement for the crime of genocide by an international court. This case set a precedent in its conviction of Akayesu, a Rwanda Mayor, for rape as a crime against humanity and an act of genocide.

After serving the ICTR, Judge Pillay was in 2003 elected as a Judge of the permanent International Criminal Court (ICC) at The Hague, The Netherlands where she worked until this year.

ICTR congratulates President Pillay and sends its best wishes for a successful tenure.