



# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

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## 30 Years Imprisonment for Callixte Kalimanzira

Trial Chamber III of the International Criminal Tribunal for Rwanda on 22 June 2009 sentenced Callixte



Kalimanzira, former *Directeur de Cabinet* of the Ministry of the Interior, to 30 years' imprisonment. The Trial Chamber composed of Judges Dennis Byron, Presiding, Gberdao Gustave Kam and Vagn Joensen found Kalimanzira guilty of genocide and direct and public incitement to commit genocide. Kalimanzira is entitled to credit for the time he spent in detention.

In its Judgement, the Chamber noted that on 23 April 1994, Kalimanzira went to Kabuye hill in Butare *préfecture* with soldiers and

policemen, where thousands of Tutsi refugees were attacked and killed, resulting in an enormous human tragedy. Kalimanzira's role in luring Tutsis to Kabuye hill and his subsequent assistance in providing armed reinforcements substantially contributed to the overall attack. The Chamber found Kalimanzira guilty beyond reasonable doubt of aiding and abetting genocide at Kabuye hill.

In addition, the Chamber found Kalimanzira guilty of direct and public incitement to commit genocide on several occasions, including at the Jaguar roadblock, the Kajyanama roadblock, and the Nyabisagara football field on different dates in April 1994, and at the Gisagara marketplace at the end of May 1994. The Chamber also found that the influence Kalimanzira derived from his prominent status in Butare society, and his status within the Ministry of the Interior, made it likely that others would follow his example, which served as a factor aggravating his crimes. Most significantly, by encouraging Tutsi refugees to gather at Kabuye hill where he knew they would be killed in the thousands, he abused the public's trust that he, like other officials, would protect them.

The Tribunal took custody of Kalimanzira, who voluntarily surrendered, on 8 November 2005. Kalimanzira's trial started on 5 May 2008. The Prosecution closed its case on 30 June 2008, after having called 24 witnesses. The Defence case commenced on 17 November 2008; 42 witnesses were called, including the Accused. The Prosecution team was led by Christine Graham. The Defence team was led by Arthur Vercken and Anta Guisse both from France.

The expeditious delivery of this judgement will contribute to continuing efforts to streamline best practices in order to work toward the conclusion of all pending cases.

## ICTR Judge Asoka de Silva Appointed New Chief Justice of Sri Lanka



Justice Asoka de Silva, a Judge at the United Nations International Criminal Tribunal for Rwanda (ICTR) took oath as Sri Lanka's 32nd Chief Justice (CJ) before President Mahinda Rajapaksa on 8 June 2009. Justice Asoka de Silva, a senior Sri Lankan judge and a legal luminary, has been serving in Sri Lankan courts for the past 37 years before being appointed as Sri Lanka's Chief Justice.



Justice de Silva being sworn-in by President Rajapaksa of Sri Lanka

Asoka de Silva started his career as a government solicitor in 1972 and became a Deputy Solicitor General in 1991. In 1995, he was promoted as a judge of the Appeal Court and later took over as the Chairman of the Appeals Court. Subsequently, he became a High Court Judge.

The ICTR takes this opportunity to congratulate the Judge on his well-deserved promotion.

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**Editor-in-Chief:** Roland Amoussouga  
**Senior Editor:** Bocar Sy  
**Associate Editor:** Danford Mpumilwa  
**Editing/Layout/Design/Photos:** Rani Dogra  
**Contributions:** Danform Mpumilwa, Leontine Mabika, Charles Kamuru, Koffi Afande

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



## ICTR Judicial Activities

### • Retrial of Tharcisse Muvunyi Begins

The retrial of Tharcisse Muvunyi, the former commander of the *École des Sous Officiers (ESO)* in Butare Prefecture began on 17 June 2009, before Trial Chamber III composed of Judges Dennis Byron, Presiding, Gberdao Gustav Kam and Vagn Joensen.



In its opening remarks, the Prosecution said it would provide evidence proving that the accused who was the most senior military officer in Butare Prefecture expressed through traditional Kinyarwanda proverbs anti-Tutsi sentiments at a meeting in Gikore Trading Centre attended by local Hutu population and militia.

The new trial follows the Appeals Chamber judgment of 29 August 2008 in which the Appeals Chamber overturned Muvunyi's convictions on counts of genocide, direct and public incitement to commit genocide based on a speech the accused gave in Gikonko, and other inhumane acts as crimes against humanity. The Appeals Chamber also quashed Muvunyi's conviction for direct and public incitement to commit genocide based on a speech he purportedly gave at the Gikore Trade Center and ordered a retrial limited to the allegations considered in relation to this incident. The Appeals Chamber then quashed the sentence of 25 years of imprisonment entered by Trial Chamber II. The Appeals Chamber further ordered Mr. Muvunyi to remain in the custody of the Tribunal pending his retrial.

The first trial was before Trial Chamber II consisting of Judges Asoka de Silva, Presiding, Flavia Lattanzi and Florence Rita Arrey.

The prosecution expected to present its case in three days during which it intended to call 5 factual witnesses and a socio-linguistic expert. The Prosecution team is led by Senior Trial Attorney, Charles Adeogun-Phillips, assisted by Trial Attorney Ibukunolu Alao Babajide while the Defence team is led by William E. Taylor (USA).

### • Final Submissions in Ndindiliyimana et al Case



Bizimungu, Ndindiliyimana, Nzuwonemeye & Sagahutu

The Prosecution and the Defence, from 24 to 26 June 2009, presented their closing arguments in the *Ndindiliyimana et al*, formerly "Military II" trial, before Trial Chamber II composed of Judges; Asoka de Silva, Presiding, Taghrid Hikmet and Seon Ki Park .

The case involves four former military officials: General

Augustin Bizimungu, former Rwandan Army Chief of Staff; General Augustine Ndindiliyimana, former Chief of Staff of the *Gendarmerie Nationale*; Francois-Xavier Nzuwonemeye, former Commander of the Reconnaissance Battalion (REECE) of the Rwandan Army; and Innocent Sagahutu former second in command of the Reconnaissance Battalion and Commander of the A company of the battalion.

The Prosecution prayed for conviction of the accused and imposition of life imprisonment because it argued that the evidence presented proved beyond a reasonable doubt that they ordered, encouraged and supported the massacres against the Tutsi population and moderate Hutu.

The Prosecution added that the evidence proved that the accused who were senior army officers and who had the duty of promoting peace and security in Rwanda abandoned their role and turned against the Tutsi and moderate Hutus and committed the offences.

The Defence lawyers, however, called for the acquittal of their respective clients arguing that the Prosecution had not proven the allegations against them beyond a reasonable doubt. They argued that the Prosecution had produced witnesses whose testimony was inconsistent, incoherent and contradictory and that it was unsafe to rely on such material to convict the accused.

The accused are jointly charged with conspiracy to commit genocide, genocide or in the alternative complicity in genocide, crimes against humanity, and serious violations of the Geneva Conventions and the Second Additional Protocol (war crimes).

The trial, which began in September 2004, took 392 trial days, during which time 208 witnesses testified; 72 for the prosecution and 136 for the defence. The Prosecution was led by Senior Trial Attorney Alphonse Van, assisted by Moussa Sefon, Abubakar Tambadou and Lloyd Strickland. Counsel for the Defence were Yves Saint-Laurent (Bizimungu), Christopher Black (Ndindiliyimana), Charles Taku (Nzuwonemeye) and Fabien Segatwa (Sagahutu).

### • Setako Trial Closed



On 26 June 2009, the Defence closed its case in the trial of Ephrem Setako, who was a Lieutenant-Colonel in the Rwandan Armed Forces and Director of the Judicial Affairs Division of the Rwandan Ministry of Defence. The trial commenced on 25 August 2008.

Colonel Setako, born in May 1949, 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. He pleaded not guilty to all counts.

The Prosecution completed its case on 22 April 2009 after having presented 21 witnesses. The Defence commenced its case on 4 May 2009 and led 35 witnesses. In all, 56 witnesses were heard in the course of 60 trial days. The



case was closed subject to some procedural matters.

The Prosecution team was led by Senior Trial Attorney Ifeoma Ojemeni-Okali, and included Christiana Fomenky. Setako is represented by Lennox Hinds (USA) and

Cainnech Lussiaà-Berdou (Canada). The case is before Trial Chamber I, composed of Judges Erik Møse (Norway), presiding, Sergei Alekseevich Egorov (Russian Federation) and Florence Rita Arrey (Cameroon).

### Decisions of the ICTR Between 1-30 June 2009

Date	Record Number	Title	TC
02/06/2009	ICTR-99-54-0160	NGIRABATWARE - DECISION ON DEFENCE MOTION OBJECTING TO THE PROSECUTION'S PRE-TRIAL BRIEF	TC 2
02/06/2009	ICTR-97-36A-0108	MUNYAKAZI - CONSOLIDATED DECISION ON THE PROSECUTION APPLICATION TO VARY ITS WITNESS LIST AND SCHEDULING ORDER ON THE RESUMPTION OF THE TRIAL	TC 1
05/06/2009	ICTR-00-55B-0144	HATEGEKIMANA - DECISION ON MOTION FOR ACQUITTAL PURSUANT TO RULE 98 BIS	TC 2
08/06/2009	ICTR-07-91-0274	NSHOGOZA - DECISION ON DEFENCE MOTION FOR CERTIFICATION OF THE TC'S DECISION ON THE ADMISSION OF EVIDENCE PURSUANT TO RULE 92BIS	TC 3
08/06/2009	ICTR-07-91-0275	NSHOGOZA - DECISION ON DEFENCE FURTHER MOTION FOR ORDER TO REGISTRAR TO PROVIDE INFORMATION TO THE DEFENCE REGARDING PROSECUTION VISITS TO WITNESS GAA AT UNDF	TC 3
08/06/2009	ICTR-96-8-0514	NDAYAMBAJE - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR CLAVER SINDAYIGAYA, CO-COUNSEL FOR THE ACCUSED ELIE NDAYAMBAJE	TC 2
09/06/2009	ICTR-00-56-1081	[MILITARY II] NDINDILIYIMANA ET AL - DECISION ON NZIRORERA DEFENCE MOTION TO VARY PROTECTIVE MEASURES FOR WITNESS DB15-11 (Rule 75 of the Rules of Procedure and Evidence)	TC 2
09/06/2009	ICTR-98-44-3943	KAREMERA ET AL - DECISION ON NZIRORERA DEFENCE MOTION TO VARY PROTECTIVE MEASURES FOR WITNESS DB15-11)	TC 3
11/06/2009	ICTR-98-44-3946	KAREMERA ET AL - DECISION RECONSIDERING ORAL ORDER OF 28 MAY 2009	TC 3
11/06/2009	ICTR-00-55B-0146	HATEGEKIMANA - DECISION CONCERNING MOTIONS FOR A POSTPONEMENT OF THE DEFENCE CASE AS WELL AS FOR AN EXTENSION OF TIME TO DISCLOSE WITNESS IDENTIFYING INFORMATION AND JUSTIFICATIONS FOR WITNESS PROTECTIVE MEASURES	TC 2
11/06/2009	ICTR-98-44-3945	KAREMERA ET AL - DECISION SUR LA REQUETE DU PROCUREUR EN ADMISSION DES TRADUCTIONS OFFICIELLES DE CERTAINES PIECES A CONVICTION ET A DECHARGE DEJA ADMISES	TC 3
12/06/2009	ICTR-99-54-0165	NGIRABATWARE - DECISION ON TRIAL DATE	TC 2
15/06/2009	ICTR-00-55B-0148	HATEGEKIMANA - ORDER FOR A PRE-DEFENCE CONFERENCE	TC 3
16/06/2009	ICTR-99-54-0166	NGIRABATWARE - DECISION WITHDRAWING PROFESSOR DAVID THOMAS AS COUNSEL FOR THE ACCUSED AUGUSTIN NGIRABATWARE	TC 2
17/06/2009	ICTR-00-55A-0432	MUVUNYI - DECISION ON THE PROSECUTOR'S MOTION FOR RECONSIDERATION OF THE TC'S ORDER TO COMPLY WITH THE SCHEDULING ORDER - RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE	Trial Team IV
18/06/2009	ICTR-01-71-0132	NDINDABAHIZI - DECISION ON EMMANUEL NDINDABAHIZI'S APPEAL OF DECISION OF 13 NOVEMBER 2008 CONCERNING ACCESS TO PROTECTED MATERIALS	Trial Team IV
18/06/2009	ICTR-96-13-0009	MUSEMA - DECISION ON MOTION REQUESTING PRELIMINARY CONFERENCE WITH FORMER LEGAL TEAM FOR THE PREPARATION OF A REQUEST FOR THE ASSIGNMENT OF COUNSEL FOR THE PURPOSE OF A REVIEW	Trial Team IV
19/06/2009	ICTR-00-56-1084	[MILITARY II] NDINDILIYIMANA ET AL - DECISION ON NZUWONEMEYE'S MOTION OPPOSING THE CORRIGENDUM TO THE PROSECUTION CLOSING BRIEF	TC 2





Date	Record Number	Title	TC
19/06/2009	ICTR-98-44-3955	KAREMERA ET AL - DECISION ON APPEAL CONCERNING THE SEVERANCE OF MATTHIEU NGIRUMPATSE	AC
22/06/2009	ICTR-99-52-1411	NAHIMANA ET AL - BARAYAGWIZA - DECISION ON JEAN-BOSCO BARAYAGWIZA'S MOTION FOR REVIEW AND/OR RECONSIDERATION OF THE APPEAL JUDGEMENT OF 18 NOVEMBER 2007	Trial Team IV
23/06/2009	ICTR-98-44-3962	KAREMERA ET AL - DECISION ON EDOUARD KAREMERA'S MOTION RELATING TO HIS RIGHT TO BE TRIED WITHOUT UNDUE DELAY	TC 3
24/06/2009	ICTR-98-41-2348	[MILITARY I] - BAGOSORA ET AL - DECISION ON ALOYS NTABAKUZE'S MOTION FOR LEAVE TO FILE A CORRECTED APPEAL BRIEF AND ORDER CONCERNING THE APPEAL BRIEF	AC
25/06/2009	ICTR-99-54-0172	NGIRABATWARE - DECISION ON DEFENCE MOTIONS OBJECTING TO THE PROSECUTION'S PRE-TRIAL BRIEF	TC 2
26/06/2009	ICTR-07-91-0284	NSHOGOZA - DECISION ON APPEAL CONCERNING SANCTIONS	TC 3
26/06/2009	ICTR-05-82-0072	NTAWUKULIYAYO - DECISION ON DEFENCE MOTION ALLEGING NON COMPLIANCE OF THE AMENDED INDICTMENT WITH THE CHAMBER'S DECISION OF 18 MAY 2009	TC 3
26/06/2009	ICTR-98-44-3970	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO VARY PROTECTIVE MEASURES FOR WITNESS RKF IN THE KAMUHANDA CASE	TC 3
26/06/2009	ICTR-07-91-0282	NSHOGOZA - DECISION ON DEFENCE MOTION TO MAKE PUBLIC THE CONFIDENTIAL DECISION ON DEFENCE MOTION FOR STAY OF PROCEEDINGS: AND ANNEXURE COMPRISING REDACTED VERSION OF SAID DECISION FOR PUBLIC CONSUMPTION	TC 3

### Visitors to the ICTR between 1 January and 30 June 2009

Over the above period, the Protocol Support Services in ERSPS welcomed to the Tribunal a total number of 1191 visitors, including 158 VIPs. Noteworthy is the historical visit to Arusha and ICTR of the UN Secretary General Ban Ki-moon on 27 February 2009, followed by that of the Under-Secretary General for Legal Affairs, Ms. Patricia O'Brien, on 25 March 2009. These UNHQ Officials held meetings with ICTR Senior Officials, as well as with the ICTR staff at large to discuss the ICTR accomplishments and challenges under the Completion Strategy.

Other visitors were nationals of the following UN member countries: Australia, Burkina Faso, Cameroon, Canada, China, Denmark, France, Germany, Ireland, Italy, Kenya, Madagascar, Mozambique, Nepal, Norway, Pakistan, Palestine, Russian Federation, Rwanda, Serbia, Saint Nevis and Kitts, Senegal, Sri Lanka, South Africa, Sudan, Tanzania, Turkey, Uganda, United Kingdom, United States of America, and Zambia.

### News from Kigali

- ICTR Opens Information Centres in Musanze, Rubavu and Karongi Districts**

The Registrar of the ICTR, Mr. Adama Dieng, accompanied by the Chief of ERSPS and Spokesman of the Tribunal, Mr. Roland Amoussouga and a Representative from the European Union, Ms. Véronique Geoffroy, the Economic and Governance attaché, from Tuesday June 23 to Thursday 25 June 2009 inaugurated three more Information Centres in Musanze, Rubavu and Karongi Districts in the Northern and Western Provinces in Rwanda.



*The Registrar with others after opening the Rubavu Centre*

The very first Centre was inaugurated by the Registrar in Gasabo District of Kigali City in November 2008 and two others were opened by the Prosecutor in Nyamagabe and Muhanga Districts in February this year.

The three new Centers are among the ten Documentation Centers that the ICTR has established throughout the country. Located at the offices of the Intermediate Courts of Instance, the facilities were set up within the framework of the cooperation between the ICTR and the Government of Rwanda.

In his inaugural speech, the ICTR Registrar said that the launching of these three centers was a testimony of the strong cooperation between Rwanda, the European Commission and the ICTR.

*"As we inaugurate the Centres, we have a strong hope that the knowledge base of lawyers in provincial courts will be expanded and strengthened through their easy access to and use of the tools and technologies they are provided with, and for which they have been effectively trained", Mr. Dieng, said at one of the launching ceremonies.*



Mr. Dieng speaking at the opening of the Musanze Information Centre. Looking on are from left, Mr. Amoussouga, Mr. Kwende and Ms. Geoffrey

He expressed his gratitude to the European Union for its support in the establishment of the Centers and the Government of Rwanda for its generous and graceful contribution in making available the facilities for the Information Centers in all ten locations in the country. The Registrar also pointed out that the Centers will play a crucial role in providing continued genocide-related education which will encourage genocide prevention and promote peace and security in Rwanda and the Great Lakes Region.

Speaking on behalf of the Government of Rwanda, the President of the High Court in Musanze and representatives of the Intermediate Courts in Rubavu and Karongi, said that the Government of Rwanda acknowledges the support the European Union and ICTR have been providing in rehabilitating and developing the Justice Sector in the Country.

*"It is not the first time the ICTR and the European Union have been at the forefront in supporting Rwanda's judiciary. The Centers are important for our judicial professionals, maximize the resources available, hence reinforcing the capacities of the Justice Sector in Rwanda"*, said the three government officials during the ceremonies.

The Representative of the Head of the European Commission delegation in Rwanda, Ms Véronique Geoffroy expressed her appreciation to the work being done by the ICTR in the promotion of Justice in Rwanda. She pointed out that the European Union has been financing ICTR activities and the Justice Sector in Rwanda as a means of supporting a well functioning justice system in the country.

In his address, Mr Roland Amoussouga said that the establishment of the provincial centres will be instrumental in the dissemination of the Tribunal Information to the Rwandan population and also enable researchers to have easy access to Legal Documents. The Project of Information and Documentation Centres dates back to September 2000, when the first *Umusanzu mu Bwiyunge Center* was inaugurated in Kigali City.

The other centers expected to be opened soon are all located at the Intermediate Courts of Instance in Nyagatare, Rusizi, Ngoma and Gicumbi Districts.

Other officials present at the ceremonies included District Prosecutors, Mayors, senior District Civilian, Military and

Administrative officers and ICTR senior staff from Arusha and Kigali.

#### • ICTR Train Rwandan Lawyers in Online Research

As part of the ongoing cooperation between the ICTR and the Kigali Bar Association, about one hundred lawyers benefited from the online legal research training that was conducted from 1-13 June 2009 at the ICTR offices in Kigali.



Ms. Djampou conducting the training

The purpose of this training was to develop the analytical and research methodology and evaluation skills needed to access and use legal information resources available on the internet.

In his remarks, Mamoudou Touré, Chief of Administration in Kigali said that this training, carried out within the framework of the Tribunal's Outreach Programme, would provide the knowledge in Information and Communication Technology that would assist the participants in effecting their duties and responsibilities. He said that the Tribunal would continue to support the capacity building of the Rwandan Legal Professionals as a means of strengthening the capacity of the justice sector in Rwanda. The Executive Secretary of the Rwanda Bar Association, Mr. Thierry Ngoga thanked the ICTR for its continued support in strengthening the capacity of Rwandan Legal Professionals.

He said, *"We appreciate the knowledge that the Tribunal continues to provide to our lawyers. The legal research techniques acquired here will permit us to get easy access to information on International Justice and Law and put us in a favorable position to handle the transferred cases to Rwanda"*.

He thanked the European Union and other donors that have been at the forefront in the rehabilitation of the Rwandan Justice sector.

The Tribunal's Chief of Legal Library and Reference Section, Ms. Angeline Djampou said the training would empower the participants with the capacity to accurately manage the time they spent doing research on the internet.

The training was facilitated by the Library and Reference Section, Arusha and the Umusanzu Information Centre Library.





**UNDP Resrep in Rwanda Visits Umusanzu**



Mr. Agbenonci and Mr. Amoussouga with staff of Umusanzu

**Centre**

The Resident Coordinator and Representative of the United Nations Development Programme (UNDP) in Rwanda, Mr. Aurélien A. Agbenonci on 22 June 2009 visited the Tribunal's Information Centre in Kigali. Upon arrival he was taken around to inspect the facilities by the Chief of the External Relations and Strategic Planning

Section of ICTR, Mr. Roland Amoussouga, the Head of the Centre, Mr. Innocent Kamanzi and the staff members.

The Resident Representative was briefed on the historical background and achievements of the Information Centre since its establishment in September 2000. He was informed that the Centre acts as the flagship of the Outreach Programme in Rwanda where it has been able to provide updated information about the work of the Tribunal to the Rwandan public and other stakeholders in the country.

**News from The Hague**

- **Hearing of witness testimonies by Video-Conference Link**

Following the decision rendered on 28 May 2009 by Trial Chamber I, composed of Judges Erik Møse (Presiding), Sergei Alekseevich Egorov and Florence Rita Arrey, the ICTR Office in The Hague coordinated the organisation and coverage of the hearings of two witnesses by video-conference on 23 June 2009.

**The 37th United Nations Inter-Agency Games will be hosted from 1-5 October 2009 in Austria by the Vienna-based Organizations.**

Participation in the games is open to all UN system staff and retirees, and we would be honoured to have your staff represent your respective Organization/Agency in this year's sporting competition.

UN Organizations, Agency or Staff Association/Union/Committee responsible for the internal arrangements associated with the games please **confirm the identity of the respective Organizer and person(s) who will be responsible for the registration of participants as well as the representatives on the Control Commission.**

It is the responsibility of the participating organization to provide a certificate, rubber-stamped and certified by the chief of the appropriate personnel services indicating the names of all staff members and retirees who are eligible to participate.

Information on the games may be obtained from the Inter Agency Games website:

<http://iaq2009.interagencygames.org>