

# ICTR Newsletter

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United Nations International Criminal Tribunal for Rwanda

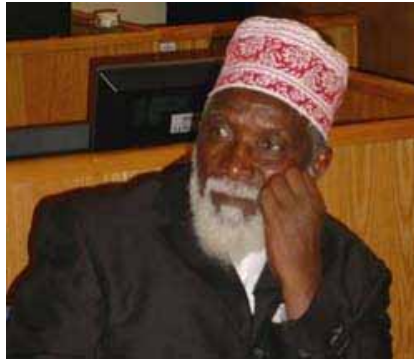
May 2008

## Request to Transfer Munyakazi's Case to Rwanda Denied

On 28 May 2008, the Trial Chamber issued its decision, denying the application for referral of Yussuf Munyakazi case to the Republic of Rwanda on mainly two grounds. Born in 1935 in Kibuye, Munyakazi was a businessman and farmer in Cyangugu Province.

First, the Trial Chamber acknowledged that the Republic of Rwanda has abolished the death penalty which will not apply to the referred cases. However, the Trial Chamber was concerned about the sentence of life imprisonment in isolation which replaces the death penalty in the Rwandan law. The Trial Chamber was of the view that certain safeguards listed in the Decision should be put in place to make such a penalty conform with international human rights standards.

Secondly, the Trial Chamber expressed serious concern about the fair trial right of the Accused, with specific reference to the independence of the tribunal that



would try the case if referred, and the ability of the Accused to call witnesses in his defence and the witness protection program in place. Specifically, the Tribunal was concerned that there is a lack of sufficient guarantees against outside pressure on the judiciary and that, based on the past actions of the Government, the independence of the judiciary would not be respected.

On 7 September 2007, the Prosecutor filed a motion for referral of the case to the Republic of Rwanda. On 2 October 2007, Trial Chamber III was designated to consider the motion. The Trial Chamber granted *amicus curiae* status to the Republic of Rwanda, the Kigali Bar Association, Human Rights Watch and the International Criminal Defence Attorneys Association, while denying such request from IBUKA & AVEGA, and from ADAD (Organisation of ICTR Defence Counsel). On 24 April 2008, the Trial Chamber heard the parties and the *amici curiae* in open session.

The Trial Chamber composed of Judges Inés Mónica Weinberg de Roca, presiding, Lee Muthoga and Robert Fremr was particularly concerned in view of the fact that the High Court hearing the referred case would be composed of a single Judge who would be less likely to be able to resist any pressures than a panel of three or more judges. The Trial Chamber also highlighted that the factual findings of that single Judge could only be reviewed by the Supreme

Court in the case of a miscarriage of justice. The Trial Chamber stated that its concerns regarding the independence of the tribunal would be substantially reduced if the High Court was composed of three or more Judges. With regard to witnesses, the Trial Chamber was concerned by the fact that the Accused may not be able to call witnesses due to their fears for their safety and in addition, the witness protection program is understaffed, run by the Prosecutor and the Police whom a Defence witness may not consider as neutral bodies.

In summary the Trial Chamber found that Rwandan penalty structure does not meet internationally recognised standards and was not satisfied that the right of the Accused to a fair trial would be respected if the case was referred. However, the Chamber acknowledged the positive steps already taken by Rwanda to facilitate referral, and indicated that if Rwanda continued along this path, the Tribunal will hopefully be able to refer future cases to Rwandan courts.

Both parties have the right to appeal the Decision. They have 15 days to file any such notice.

Yussuf Munyakazi was jointly indicted in 1997, with Bagambiki and Imanishimwe. In 2000, the Trial Chamber granted the severance of his case, and the indictment was subsequently amended in 2002, charging the Accused for genocide and alternatively complicity in genocide, and extermination as a crime against humanity.

He was arrested on 5 May 2004 in the Democratic Republic of Congo (DRC) and transferred to the UN detention facility in Arusha on 7 May 2004. During his initial appearance on 12 May 2004, Yussuf Munyakazi pleaded not guilty to charges brought against him by the Prosecutor that he participated in the 1994 Rwanda genocide.

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## ICTR Judicial Activities

### Judicial Calendar—12 May-4 June 2008

Case	Bench	Prosecution	Defence (Lead Counsel only)	Party presenting his/her case	Courtroom
<b>Karemera et al</b> E. Karemera M. Ngirumpatse J. Nzirorera	Judges Byron (pres.), Kam & Joensen	D. Webster A. Frankson-Wallace I. Morley	D. Diagne C. Hounkpatin P. Robinson	Defence for Édouard Karemera (continued) 13 to 16 May	Laïty Kama
<b>Callixte Kalimanzira</b>	Judges Byron (pres.), Kam & Joensen	C. Graham O. Jammeh S. Agaba K. Murukutla	A. Vercken A. Guissé	Prosecution case (first session) 12, 14-22 May	Laïty Kama
<b>Nyiramasuhuko et al.</b> E. Ndayambaje J. Kanyabashi P. Nyiramasuhuko A. Ntahobali S. Nsabimana A. Nteziryayo	Judges Sekule (Pres.), Ramaroson, Bossa	A. Whest H. Makwaia A. Alexis-Windsor C. T. Mara F. Gaynor M. Schwarz A. Mbow A. McFarlane	P. Boulé C. Sindayigaya M. Marchand S. Santerre N. Bergevin G. Poupert N. Marquis B. St Arnaud J. Kadji P. T. Weledji F. Pacere O. Otachi	Defence for Kanyabashi	CR II
<b>Bizimungu et al.</b> C. Bizimungu J. Mugenzi J-C. Bicamumpaka P. Mugiraneza	Judges Khan (Pres.), Muthoga and Short	P. Ng'arua I. Babajide J. Bwonwonga E. Bazawule S. Rajapaksa O. De Schutter W. Mubiru	M. St. Laurent A. Marcil B. Gumpert J. Kirk M. Croteau P. Larochele T. Moran C. Cline	Defence for Mugiraneza (continued)	CR III (12-22 May) Laïty Kama (26 May to 5 June)
<b>Ndindiliyimana et al.</b> A. Bizimungu A. Ndindiliyimana F.-X. Nzuwonemeye I. Sagahutu.	Judges de Silva (Pres.), Hikmet & Park.	A. Van M. Sefon S. Jegede A. Tambadou L. Strickland F. Mushi F. Rekkas M. Keefer	C. Black V. Lurquin G. St-Laurent R. MacDonald A. Taku B. Lyons F. Segatwa S. Doumbia	Defence for Ndindiliyimana (continued) Since 26 May	CR III

### Other landmark facts for the Month of May

Details as to each Trial Chamber and Appeals Chamber activity are provided hereinafter.

#### • Trial Chamber I

##### Ongoing case

The Trial Chamber resumed for the trial of Hormisdas Nsengimana on 2 June 2008, with the Defence case. The session will end on 11 July 2008.

##### Cases where judgement delivery is awaited

###### *Bagosora et al.*

Trial Chamber I is currently engaged in judgment drafting.

###### *Renzaho*

The Chamber is engaged in the judgement drafting.

Cases where referral to a domestic jurisdiction is pending

###### *Kanyarukiga*

The Chamber is currently deliberating on the Prosecution request for referral of the case to Rwanda.

#### • Trial Chamber II

##### Ongoing trials

###### *Nyiramasuhuko et al.*

From 12 May to 20 May 2008, the Chamber heard the testimony of two Defence witnesses for Joseph Kanyabashi, former bourgmestre of Ngoma commune in Butare préfecture. On 20 May 2008, before adjourning for a week break, the Chamber declared the Defence of Kanyabashi formally closed pursuant to Rule 85, but for two remaining witnesses to be called at a later stage. On 20 May as well, the Defence for Elie Ndayambaje, former bourgmestre of Muganza commune in Butare préfecture and last accused to



present his defence in this case, made its opening statement. Since the resumption of the trial on 2 June 2008, the Chamber has partly heard two witnesses for Elie Ndayambaje who intends to call a maximum of 30 witnesses. The Chamber issued three written decisions or orders and four oral decisions. The Chamber is currently deliberating on one two motions by Kanyabashi including one for the reopening of his case.

#### *Bizimungu et al.*

The proceedings continued before the Chamber between 15 May and 4 June 2008, during which period the Chamber heard 5 witnesses for the 4th and final co-accused (Prosper Mugiraneza), including the Accused himself, who is currently under cross-examination by the Prosecution. Between 15 May and 4 June 2008, the Chamber rendered seven oral and written decisions. The Chamber also rescheduled its visit of certain sites in Rwanda until the week commencing 21 September 2008. Further, the Chamber laid down the schedule for the filing of closing briefs in the case, as well as for the hearing of closing arguments. The Defence case for Mugiraneza is ongoing.

#### *Military II*

The tenth trial session in this case commenced on 26 May 2008 for the continuation of the case of the second defendant, Augustin Ndindiliyimana. On 23 May 2008, the Chamber rendered an Interim Order on various Defence Motions alleging that the Prosecution was in violation of its obligation to disclose exculpatory material under Rule 68 of the Rules. The Order required each Defence team to file the alleged exculpatory disclosure relevant to its case. It also ordered the Prosecution to provide, for the exclusive use of the Chamber, un-redacted versions of all the alleged exculpatory material so as to enable it to make a reasoned decision on the Defence Motions. The Chamber is scheduled to continue hearing the case of the Accused Ndindiliyimana until 20 June 2008.

#### *Rukundo*

The Chamber is currently engaged in the judgement drafting.

### • Trial Chamber III

#### New trial to start

##### *Kalimanzira*

The trial session has come to an end on 22 May 2008. The Prosecution called 9 witnesses. The trial will resume on 16 June 2008, hopefully for the remaining witnesses for the Prosecution case.

#### Ongoing trials

##### *Karemera et al.*

The trial session ended on 14 May 2008, and the next one is scheduled for early July 2008. The Chamber is currently deliberating on various motions. Since 11 May 2008, it has delivered about 13 decisions.

#### Cases where referral to a domestic jurisdiction is pending

##### *Munyakazi*

On 29 May 2008, the Trial Chamber denied on mainly two grounds. First, the Trial Chamber acknowledged that the Republic of Rwanda has abolished the death penalty which will not apply to the referred cases. However, the Trial Chamber was concerned about the sentence of life imprisonment in isolation which replaces the death penalty in the Rwandan law. The Trial Chamber was of the view that certain safeguards listed in the Decision should be put in place to make such a penalty conform with international human rights standards. Secondly, the Trial Chamber expressed serious concern about the fair trial right of the Accused, with specific reference to (i) the independence of the tribunal that would try the case if referred, and (ii) the ability of the Accused to call witnesses in his defence and the witness protection program in place. Specifically, the Tribunal was concerned that there is a lack of sufficient guarantees against outside pressure on the judiciary and that, based on the past actions of the Government, the independence of the judiciary would not be respected. This Chamber was particularly concerned in view of the fact that the High Court hearing the referred case would be composed of a single Judge who would be less likely to be able to resist any pressures than a panel of three or more judges. The Trial Chamber also highlighted that the factual findings of that single Judge could only be reviewed by the Supreme Court in the case of a miscarriage of justice. The Trial Chamber stated that its concerns regarding the independence of the tribunal would be substantially reduced if the High Court was composed of 3 or more Judges. With regard to witnesses, the Trial Chamber was concerned by the fact that the Accused may not be able to call witnesses due to their fears for their safety and in addition, the witness protection program is understaffed, run by the Prosecutor and the Police whom a Defence witness may not consider as neutral bodies.

##### *Hategekimana*

The Chamber is currently deliberating on the motion for the referral of the case to Rwanda. The Chamber originally granted the Kigali Bar Association's request to be heard as *Amicus Curiae* on the motion for referral, but since it did not file submissions within the set time-limit, the Chamber rule, on 2 May 2008, that the submissions were time-barred.

##### *Kayishema*

Fulgence Kayishema is an accused at large. The Chamber is currently seized a Prosecution motion for the referral of his case to Rwanda. On 2 May 2008, the Chamber instructed the Registrar to immediately appoint 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 now engaged in the judgement drafting.



**Nchamihigo**

The Chamber is currently engaged in the judgement drafting.

**Zigiranyirazo**

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

• **Appeals Chamber (as of 28 May 2008)**

The Appeals Chamber is seized of appeals from judgement in two cases. The appeals in the *Muvunyi* case, which were heard in Arusha on 13 March 2008, are under deliberation. The appeal from judgement in the *Karera* case is now fully briefed and is being prepared for a hearing.

In addition to the appeals from judgement, the Appeals Chamber is seized of a request for clarification in the *Niyitegeka* case, and several motions arising from the *Nahimana et al* Appeal Judgement.

In May, the Appeals Chamber decided interlocutory appeals in the *Karemara et al.* and *Bizimungu et al.* cases.

In its 14 May 2008 decision, the Appeals Chamber granted Joseph Nzirorera's appeal concerning disclosure under Rule 68 of the Rules, holding that the correct test for determining whether certain material is

to be considered as exculpatory within the meaning of Rule 68 is "whether there is any possibility, in light of the submissions of the parties, that the information could be relevant to the defence of the accused."

In its 22 May 2008 decision, the Appeals Chamber granted Jerome-Clement Bicamumpaka's appeal from a decision denying his request for a subpoena on grounds that the request was filed after a deadline ordered by the Trial Chamber. The Appeals Chamber held that an exchange between Bicamumpaka's counsel and the Presiding Judge during a Status Conference about a possible request for a subpoena did not constitute an order: "From this exchange, counsel would not necessarily understand that the Trial Chamber directed or instructed him to file a request for a subpoena of a certain witness by the day discussed." Consequently, the Appeals Chamber directed the Trial Chamber to consider the merits of the request for the subpoena.

Since the beginning of this year, the Appeals Chamber has delivered one Judgement, in the *Seromba* case, three interlocutory appeal decisions, and ten decisions on requests for review, reconsideration or other matters. It has also issued twenty-three preliminary decisions or orders.

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

**Judicial Decisions of the ICTR from 1-31 May 2008**

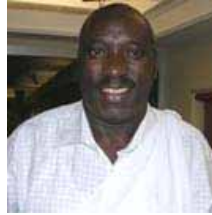
Date	Record Number	Title	TC
01/05/2008	ICTR-99-50-1874	BIZIMUNGU ET AL - DECISION ON CASIMIR BIZIMUNGU'S MOTION TO VARY WITNESS LIST AND TO ADMIT EVIDENCE OF WITNESS IN WRITTEN FORM IN LIEU OF ORAL TESTIMONY - RULE 73 73 ter (E) AND 92 bis OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
01/05/2008	ICTR-98-44-3537	KAREMERA ET AL - REPLIQUE POUR M.NGIRUMPATSE SUR LA DECISION DE LA CHAMBRE EN DATE DU 17 AVRIL 2008 RELATIVE A L'ADMINISTRATION DE LA PREUVE DE LA DEFENSE	TC 3
02/05/2008	ICTR-01-67-0055	KAYISHEMA - DECISION ON THE REFERRAL OF THE APPLICATION TO APPOINT DEFENCE COUNSEL	TC 3
05/05/2008	ICTR-99-50-1875	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S CONFIDENTIAL MOTION FOR VIDEO-LINK TESTIMONY OF WITNESS RWU - RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
07/05/2008	ICTR-96-15-0882	KANYABASHI - DECISION ON KANYABASHI'S MOTION FOR ADDITIONAL PROTECTIVE MEASURES FOR WITNESS D-2-21-T	TC 2
12/05/2008	ICTR-96-8-0468/1	NDAYAMBAJE - SCHEDULING ORDER (Rule 54 and 84 of RPE)	TC 2
12/05/2008	ICTR-96-8-0468/2	NDAYAMBAJE - DECISION PORTANT CALENDRIER (Articles 54 et 84 du RPE)	TC 2
12/05/2008	ICTR-98-44-3545	KAREMERA ET AL - DECISION ON THE PROSECUTOR'S SECOND MOTION FOR EXTENSION OF TIME TO COMPLY WITH TC III ORDER OF 20 FEBRUARY 2008	TC 3
12/05/2008	ICTR-00-55B-0057	HATEGEKIMANA - DECISION ON THE KIGALI BAR ASSOCIATION'S REQUEST FOR EXTENSION OF TIME	TC 3
13/05/2008	ICTR-96-14-0447	NIYITEGEKA - DECISION ON MOTION FOR RECONSIDERATION OF DECISION ON MOTION FROM ELIEZER NIYITEGEKA FOR DISCLOSURE OF CLOSED SESSION TESTIMONY AND EVIDENCE UNDER SEAL, OR ALTERNATIVELY FOR CERTIFICATION TO APPEAL	TC 3
14/05/2008	ICTR-98-44-3548	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DE MATHIEU NGIRUMPATSE EN CERTIFICATION D'APPEL CONTRE L'ORDONNANCE DU 17 AVRIL 2008 RELATIVE A LA PRESENTATION DE LA PREUVE A DECHARGE	TC 3
14/05/2008	ICTR-98-44-3546	KAREMERA ET AL - DECISION ON PROSECUTOR'S CONFIDENTIAL MOTION TO INVESTIGATE BTH FOR FALSE TESTIMONY	TC 3



Date	Record Number	Title	TC
15/05/2008	ICTR-99-50-1895	BIZIMUNGU ET AL - DECISION ON MOTION OF PROSPER MUGIRANEZA FOR THE TRANSFER OF DETAINED DEFENCE WITNESS RRD TO TESTIFY IN THE INSTANT CASE - RULE 90bis OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
15/05/2008	ICTR-99-46-1809	NTAGERURA - DECISION RELATIVE A LA REQUETE D'UNE PERSONNE ACQUITTEE AUX FINS DE LA COOPERATION DU CANADA	TC 3
15/05/2008	ICTR-98-44-3549	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON MOTION FOR SUBPOENA TO PRESIDENT PAUL KAGAME	TC 3
15/05/2008	ICTR-99-52-2280	NAHIMANA ET AL - NGEZE DECISION ON HASSAN NGEZE'S MOTION OF 15 APRIL 2008 AND 2 MAY 2008	AC
15/05/2008	ICTR-98-44-3547	KAREMERA ET AL - DECISION ON "JOSEPH NZIRORERA'S APPEAL FORM DECISION ON TENTH RULE 68 MOTION"	TC 3
16/05/2008	ICTR-99-50-1896	BIZIMUNGU ET AL - DECISION ON PROSECUTOR'S MOTION OBJECTING TO THE ADMISSION OF PROFESSOR GEOFFREY CORN;S REPORT - RULES 89 AND 94 BIS OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
19/05/2008	ICTR-99-50-1899	BIZIMUNGU ET AL - DECISION ON PROSPER MUGIRANEZA'S MOTION TO SUBPOENA WITNESS RWU - RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
22/05/2008	ICTR-99-50-1911	BIZIMUNGU ET AL - DECISION ON JEROME-CLEMENT BICAMUMPAKA'S INTERLOCUTORY APPEAL CONCERNING A REQUEST FOR SUBPOENA	AC
22/05/2008	ICTR-00-56-0938	NDINDILIYIMANA ET AL - DECISION ON NZUWONEMEYE'S REQUEST FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION OF 29 FEBRUARY 2008	TC 2
22/05/2008	ICTR-00-56-0939	NDINDILIYIMANA ET AL - DECISION ON NDINDILIYIMANA'S MOTION FOR TEMPORARY TRANSFER OF CBP70 PURSUANT TO RULE 90BIS	TC 2
26/05/2008	ICTR-98-44-3553	KAREMERA ET AL - DECISION RELATIVE A LA REQUETE DU GENERAL AUGUSTIN BIZIMUNGU EN COMMUNICATION DES TRANSCRIPTIONS DE L'AUDITION A HUIS CLOS DU TEMOIN BTH ET DES PIECES PRODUITES SOUS SCELLES DURANT CES AUDIENCES	TC 3
26/05/2008	ICTR-00-56-0945	NDINDILIYIMANA ET AL - DECISION ON SAGAHUTU'S REQUEST TO VARY HIS WITNESS LIST	TC 2
27/05/2008	ICTR-00-56-0944	NDINDILIYIMANA ET AL - DECISION ON NZUWONEMEYE'S MOTION FOR ON-SITE VISIT	TC 2
27/05/2008	ICTR-01-72-0279	BIKINDI - DECISION ON REQUEST FOR JUDICIAL NOTICE PURSUANT TO RULE 94 OF THE RULES	TC 3
28/05/2008	ICTR-97-36A-0065	MUNYAKAZI - DECISION ON THE PROSECUTOR'S REQUEST FOR REFERRAL OF CASE TO THE REPUBLIC OF RWANDA	TC 3
29/05/2008	ICTR-98-44-3558	KAREMERA ET AL - DECISION ON AC REMAND ON THE INTERPRETATION OF RULE 68 (A) OF THE RULES OF PROCEDURE AND EVIDENCE IN RELATION TO MIXED DOCUMENTS	TC 3
29/05/2008	ICTR-98-44-3556	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF ORAL DECISION ON MOTION TO COMPEL FULL DISCLOSURE OF ICTR PAYMENTS FOR THE BENEFIT OF WITNESSES G AND T AND MOTION FOR ADMISSION OF EXHIBIT: PAYMENT	TC 3
29/05/2008	ICTR-98-44-3557	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S SECOND MOTION FOR SUBPOENA TO LEON MUGESERA	TC 3
29/05/2008	ICTR-98-44-3554	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR RECONSIDERATION OF ADMISSION OF PROSECUTION EXHIBITS P293 - 298	TC 3
29/05/2008	ICTR-98-44-3555	KAREMERA ET AL - DECISION ON ORAL MOTIONS BY EDOUARD KAREMERA AND THE PROSECUTION TO ADMIT CERTAIN DOCUMENTS INTO EVIDENCE	TC 3
29/05/2008	ICTR-00-56-0947	NDINDILIYIMANA - DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR. RONNIE MacDONALD. CO-COUNSEL FOR THE ACCUSED AUGUSTIN BIZIMUNGU	TC 2

## Closing Arguments Presented in Bikindi Case

The Prosecution in the case of a well known singer and composer of popular music, Simon Bikindi, on Monday 26 May 2008, prayed for his conviction and life in prison. The request was made by Prosecuting Attorney William Egbe during his closing arguments before Trial Chamber III composed of Judges Inés Mónica Weinberg de Roca, presiding, Florence Rita Arrey and Robert Fremr.



The Prosecution argued that it had proved beyond reasonable doubt that the accused was guilty on all the six counts charging him with conspiracy to commit genocide; genocide; or alternatively complicity in genocide; direct and public incitement to commit genocide; murder as a crime against humanity; and persecution as a crime against humanity.

It stated that Bikindi who was also an official in Ministry of Youth and Sports and a member of the *Mouvement Républicain National pour le Développement et la Démocratie* (MRND) political party in Gisenyi prefecture should be convicted as a result of his personal participation in planning, instigation, acts of genocide and murder of Tutsi civilians.

*"It is important to state publicly at this point, for the benefit of the international community that this case is not the trial of a singer for his musical productions. Artistic liberty, freedom of thought, expression and speech are not on trial in this case"*, the Prosecution pointed out.

The Prosecution added that it had provided evidence that three songs that the accused sang in public and the speeches he made at public rallies promoted hatred and violence which resulted with death and destruction of Tutsis.

The Defence requested for Bikindi's acquittal arguing that there were several contradictions in testimonies for the prosecution. Defence Counsel Andrea O'Shea from United Kingdom stated that the songs by the accused were only about peace and democracy adding that his client was a good person who helped many Tutsi survive the 1994 Genocide in Gisenyi. The accused, Bikindi addressing the court, maintained his innocence and prayed for his acquittal.

The trial took 61 days during which the Prosecution presented 20 witnesses and the Defence 37 witnesses. The accused was arrested in the Netherlands on 12 July 2001 and transferred to the Tribunal's detention facility (UNDF) on 27 March 2002.

## Closing Arguments Presented in Zigiranyirazo's Case

The Prosecution and the Defence, on 28 and 29 May 2008 presented their closing arguments in the case of Protais Zigiranyirazo, a former member of the Akazu, the inner circle of the late President of Rwanda,

Juvénal Habyarimana. The Prosecution called for the Trial Chamber III to convict the accused and sentence him to prison for the remainder of his life while the Defence prayed for his acquittal.



The Prosecution told the Trial Chamber composed of judges Inés Mónica Weinberg de Roca (Argentina), presiding, Khalida Rachid Khan (Pakistan) and Lee Gacuiga Muthoga (Kenya), that evidence produced before the Chamber proved that the accused used his great power and influence, having been a Prefect and Member of Parliament for 17 and 3 years respectively, to plan, order and instigate genocide in Rwanda in 1994.

Particularly, it stated that evidence presented showed that Zigiranyirazo had organized and participated in massacres of Tutsis in different areas of Gisenyi prefecture. It added that the accused also allegedly took part in drawing up a list of Tutsi and Hutu opponents to be eliminated following the death of President Habyarimana, who was his brother in law.

The Defence Counsel Mr. John Philpot, from Canada argued that the Prosecution had failed to prove its case and that the accused was never in any conspiracy. Actually, he added, evidence presented proves that the accused and his family were hiding when the massacres took place in Gisenyi.

Addressing the Court, Zigiranyirazo attributed the 1994 problems in Rwanda to historical factors and the killing of President Habyarimana. Zigiranyirazo is charged with conspiracy to commit genocide, genocide, (or in the alternative) complicity in genocide, extermination and murder as crimes against humanity.

The accused was arrested in Brussels, on 26 July 2001 and transferred to the UN Detention Facility in Arusha, Tanzania on 3 October 2001. He made his initial appearance at the Tribunal on 10 October 2001 pleading not guilty to all charges against him. His trial began on 3 October 2005.

## Kalimanzira Trial Begins

The Trial of Callixte Kalimanzira, former Acting Minister of Interior of Rwanda in April and May 1994, began on 5 May 2008 before Trial Chamber III composed of Judges Dennis Byron, presiding, Gberdao Gustave Kam and Vagn Joensen.



The Prosecution led by Christine Graham told the court that it would present evidence proving that the accused wielded power, authority and influence which he consistently abused during the 1994 genocide in Rwanda.

She added that the prosecution will call different categories of witnesses, including victims, co-



perpetrators and observing by-standers to prove its case. "As you will hear, some of these witnesses are victims of genocide, whilst others were used by the accused Kalimanzira as tools to implement his genocidal plan."

Kalimanzira on 14 November 2005 pleaded not guilty to three counts charging him with genocide, in the alternative complicity in genocide, and with direct and public incitement to commit genocide. The accused is alleged to have coordinated efforts to commence the killing of Tutsis in Butare prefecture, where Tutsis had not been subject to widespread attacks between 6 April and 19 April 1994.

The Tribunal took custody of Kalimanzira on 8 November 2005 when the accused surrendered to Tanzanian authorities in Arusha. He is represented by Counsel Arthur Vercken and Co-Counsel Anta Guisse.

### **Bagaragaza Transferred back to Arusha**



Michel Bagaragaza, former Director General of the office controlling the Rwandan Tea industry during the period of the genocide was on 20 May 2008 transferred back to Arusha from The Hague, The Netherlands. This follows a revocation of an application by

the Prosecutor for referral of the case to The Netherlands.

The revocation was made after the Dutch Prosecutor informed the Tribunal that their courts did not have any jurisdiction in trying such a case.

Bagaragaza, on 16 August 2005, surrendered to the Tribunal in Arusha and was charged with four counts of conspiracy to commit genocide, genocide, complicity in genocide and violations of the Geneva Conventions of 1949 and Additional Protocol II of 1977.

On 18 August 2005, the accused was transferred to the Detention Unit of the International Criminal Tribunal for the former Yugoslavia following a request by the ICTR Prosecutor to grant the transfer for security reasons.

This was followed by two attempts by the Prosecutor to transfer Bagaragaza's case to the Kingdom of Norway and to The Netherlands. In the case of the Kingdom of Norway, the Trial Chamber, relying on the submissions by the Norwegian Prosecutor, found that Norwegian criminal law did not provide for the crime of genocide, which was alleged in the Indictment, and therefore denied the application.

When the Prosecution renewed its request for referral to The Netherlands, it was supported by a statement of the Dutch prosecutor that The Netherlands had jurisdiction to try the case. However, in a similar case involving another Rwandan, The Hague District Court afterwards stated that the Dutch Courts do not have

any jurisdiction in trying such a case.

As a result, the Dutch Prosecutor informed the ICTR Prosecutor who then requested the revocation of the referral. On 17 August 2007, the referral order was revoked.

### **Chambers Staff at Weekend Workshop**

ICTR Chambers staff were treated to an uplifting weekend of learning with the dynamic Professor James Raymond at Lake Manyara Serena from 9 to 10 May 2008. Professor Raymond, a Professor Emeritus at the University of Alabama, is widely published and has lectured on legal writing in more than twenty countries.



*Professor Raymond*

In attendance were more than forty participants, including President Byron, Vice-President Khan, Judge Ramaroson, Judge Weinberg de Roca, Judge Bossa, Judge Muthoga, Judge Short, Judge Joensen, Chief of Chambers Mr Eboe-Osuji, as well as legal officers and legal interns.

Participants arrived at the Serena around 4 pm on Friday 9 May 2008, and enjoyed the magnificent views of Lake Manyara and its surrounds from the Serena's vantage point above the Rift Valley. It was in this inspirational setting that Professor Raymond gave his first presentation on the theme of Team Writing and the Role of Legal Officers. Professor Raymond highlighted the importance of identifying the ultimate audience for writing, arguing that writing pitched at, for example, an average Rwandan citizen will necessarily be comprehensible by a legal professional. Another key insight was that writing should be "readable", that is, easily read from cover-to-cover like a novel, as well as "raidable", that is, easily accessed as a reference tool on specific issues.

Following the Professor's opening address, a more general discussion on "Team Writing" was chaired by Mr Eboe-Osuji, featuring presentations by Judge Bossa, Mr Eboe-Osuji and Mr Mathew Carlson. The ability to maintain confidentiality and having a respectful attitude were highlighted as essential qualities of legal officers, leading to an engaging discussion about the ways in which legal officers can improve the quality of the support they provide to judges.

Proceedings on the second day continued the pattern of engagement and participation, with a presentation on Decision and Judgment Writing followed closely by participative group activities. Group work placed judges, legal officers and interns from different Chambers together to analyse a recent decision from the Yugoslavia Tribunal and present suggestions to improve upon it. Analyses of the decision were illuminated by Professor Raymond's insights, and focused on clearly identifying issues, avoiding unnecessary jargon, and employing effective legal

reasoning techniques.

Professor Raymond's final presentation struck an inspirational chord in highlighting the universal importance of the work of the Tribunal, noting that it is fundamentally a creative process, and that future generations will benefit from the Tribunal's work in developing and applying international criminal law. President Byron then closed the proceedings by warmly thanking Professor Raymond, the Seminar organising team and ICTR translation services for their excellent work. The Seminar was organised by the Chambers' CLE Committee, namely Ms Suzanne Chenault, Mr Charles Jalloh, Ms Lydia Mugambe, Ms Helen Harris, and Ms Gloria Otieno.

Professor Raymond had previously held two successful legal writing seminars for ICTR Chambers in 2005 and 2006 respectively. One of the positive developments of his work this year was the inclusion of Prosecution and Defence lawyers in the learning process, by means of a special seminar held from 6 to 7 May 2008 at the New Arusha Hotel. Professor Raymond commented that this special seminar gave him an opportunity to help improve the quality of advocacy at the ICTR, which would indirectly assist Chambers in carrying out its decision-making functions.

### **Judge Hikmet Presents a Paper at Harvard University**

Judge Taghrid Hikmet presented a paper "*How can the international criminal tribunals contribute to the alleviation of ethnic conflicts*" at the Harvard International Law Journal Symposium on 18 April 2008. Below are reproduced excerpts from her speech.

"...I thought it might be interesting to compare some of the features of the Lebanon Tribunal with those of the International Criminal Tribunal for Rwanda - or ICTR - where I have been working as a judge for the past [4] years.

The ICTR was set up to try persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda between 1 January 1994 and 31 December 1994. The ICTR has jurisdiction over genocide,- often referred to as the "crime of all crimes", crimes against humanity and war crimes (violations of Article 3 common to the Geneva Conventions and of Additional Protocol II). After the genocide in Rwanda the country was in a

state of collapse and it was estimated that at least 1,000,000 people were killed in 100 days in the genocide.

In contrast, the Lebanon Tribunal was set up to prosecute persons responsible for the attack on 14 February 2005 resulting in the death of former Lebanese Prime Minister Rafiq Hariri and the death or injury of other persons" (*Security Council Resolution 1757 (2007) adopted on 30 May 2007, Statute for the Special Tribunal for Lebanon*, article 1). The "others" are estimated at around 17 (<http://www.un.org/News/Press/docs/2007/sc9082.doc.htm>), however the Statute also gives the Lebanon Tribunal jurisdiction to try other attacks that occurred in Lebanon.

One of the biggest differences between the ICTR and the Lebanon Tribunal is that the Lebanon Tribunal does not have jurisdiction over international crimes. It will be the first international criminal tribunal to try only crimes under national law. The crimes will be prosecuted in accordance with provisions of the Lebanese Criminal Code relating to the prosecution and punishment of acts of terrorism, crimes and offenses against life and personal integrity, illicit associations and failure to report crimes (*Statute for the Special Tribunal for Lebanon, article 2(1)*). This is very different to the ICTR which tries its crimes in accordance with international criminal and humanitarian law standards as opposed to the national laws of Rwanda.

However what is perhaps most interesting is that the decisions taken by the Lebanon Tribunal are likely to impact directly upon Lebanese national law.

Both the ICTR and the Lebanon Tribunal were set up by chapter VII resolution of the UN charter, which deals with threats to international peace and allows military enforcement, as a basis for the resolution. However the difference between the two tribunals is in the way each one was set up. The ICTR was set up under Chapter VII of the UN Charter as an organ of the Security Council, following the incidence of widespread atrocities in the course of an internal armed conflict. This meant that states were under an obligation to cooperate with the ICTR. Whereas the Lebanon Tribunal was set up pursuant to an agreement between the UN and Lebanon which was subsequently brought into force by Security Council resolution. The result is that the resolution does not impose any obligation on states to cooperate with the Lebanon Tribunal. This could perhaps prove problematic if Bashar Assad, the President of Syria, carries out his threat not to cooperate with the Lebanon Tribunal if it infringes on Syrian national sovereignty.

It is hoped that the Lebanon Tribunal will succeed in bringing those who conspired and organised the assassination of Rafiq Hariri to justice.

However at the same time we must recognise that a tribunal situated approximately two thousand miles





away from Lebanon in Holland and one which has already sparked very different reactions from political groups in Lebanon would first have to bridge the complex social and political tensions before it could start to unite the Lebanese nation.

It is not surprising that some critics of the Lebanon Tribunal fear that the establishment of the court according to an international resolution and without the agreement of a large segment of Lebanese citizens could widen and deepen the fractures amongst the Lebanese. But would sacrificing justice for stability really create greater stability in the longterm? Just three months ago Captain Wissam Eid a senior police officer and three others were killed by a car bomb in Beirut, thirty eight others were injured (On 25 January 2008 see [http://news.bbc.co.uk/1/hi/world/middle\\_east/7208458.stm](http://news.bbc.co.uk/1/hi/world/middle_east/7208458.stm)). This latest killing is a chilling reminder that the threat of terrorism and assassinations has not been removed. Only time will tell whether the establishment of the Lebanon tribunal will have the felicitous upshot of moving Lebanon away from sectarian politics or whether its establishment will exacerbate the sectarian tensions that have had a choking hold on Lebanese politics."

### UNESCO and ECA Chiefs Visit Tribunal

Arusha International Conference Centre (AICC) hosted the African Union Extraordinary Meeting as well as the African Regional Conference for the launching of the International Year of Planet Earth (IYPE) from 5 to 7 May 2008, which brought together a large number of delegates from various Government ministries and Embassies as well as Heads of United Nations agencies.

It was in the wake of these meetings that the ICTR enjoyed on its premises the visits of the Executive Secretary of the Economic Commission for Africa, Mr. Abdoulie Janneh from the Gambia and the Director General of UNESCO, Mr. Koïchiro Maatsura from Japan.

The Executive Secretary of ECA was accompanied by the Chief of Protocol and Logistics of ECA, Ms. Nicole



*Director General of UNESCO, Mr. Koïchiro Maatsura and his retinue during his meeting with Mr. Dieng*

Bresson and the officer in charge of Regional Integration, Mr. Joseph Attah.

The Director General of UNESCO was accompanied by a high-level delegation made up of, among others, the Tanzanian Deputy Minister of Education and Vocational Training, Ms. Gaudencia Kabaka; the Permanent Delegation to UNESCO in Paris, Professor Sheya; the Assistant Deputy General, Mr. Tidjani Serpos; the Director of Cabinet of the Director General, Ms. Elizabeth Longworth; the Director of UNESCO in Tanzania, Mr. Cheickh Tidjane Sy; the Executive Assistant in the Director General's office, Mr. Julius Banda and the Personal Assistant to the Director, Ms. Yahya Asmah.

Both the Executive Secretary and the Director General paid courtesy calls on the Registrar, Mr. Adama Dieng, and the Deputy Prosecutor of the ICTR, Mr. Bongani Majola. Their talks briefly touched on ICTR Completion Strategy, its accomplishments and challenges as well as the legacy and residual mechanisms issues.

### Belgian Ambassador Peter Maddens bids Kwaheri to Tanzania

On Monday 26 May 2008, H.E. Peter Maddens, the Belgium Ambassador to the United Republic of Tanzania paid his last visit to the International Criminal Tribunal for Rwanda before leaving the country for New York where he will join the United Nations as a member of the Advisory Committee on Administrative Budgetary Questions (ACABQ) of the UN General Assembly.



*H.E. Peter Maddens*

The Ambassador was a very dynamic member of the "Friends of ICTR", a group composed of eight eminent diplomats accredited to the United Republic of Tanzania whose goals include providing support to the Tribunal. They also advise the Tribunal on how their members might assist it in completing its mandate successfully. Peter Maddens has been Ambassador of Belgium to Tanzania since 18 August 2003 and was also accredited to serve Zambia, Malawi and Madagascar.

During his farewell visit the Ambassador held meetings with Tribunal officials including the President Judge Denis Byron, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar Mr. Adama Dieng. They briefed the Ambassador about ongoing investigations, tracking of indicted fugitives, referral of cases to national jurisdictions and the status of acquitted persons.

Before leaving the Tribunal the Ambassador was a guest at a farewell dinner hosted by the Registrar Mr Adama Dieng to thank him for his constant support. The dinner was attended by officials of the ICTR and diplomats based in Arusha.

## News from Kigali

- **ICTR Spokesman and Chief of ERSPS Delivers a Paper at the World Press Freedom Day Celebrations**

The Chief of External Relations and Strategic Planning Section (ERSPS) and ICTR Spokesman, Mr. Roland Amoussouga, on Friday 2 May, 2008 delivered a paper on "Freedom of the press, limits and responsibility: the Media trial" during celebrations to mark the World Press Freedom Day held at the Kigali Serena Hotel.

On behalf of the Registrar of the International Criminal Tribunal for Rwanda (ICTR), he expressed gratitude to the Rwandan Government for providing the tribunal with a special forum to share with the participants an event designed to mark a concept and practice that goes to the very core of Human Rights of any democratic society.



(from left to right) Mr. Oscar Kimanuka, Director of the Rwandan Bureau of Information and Broadcasting, Roland Amoussouga and Ms. Louis Mushikiwabo, Rwandan Minister of Information.

*"Freedom of the press, pluralism and independence of the media and development of community newspapers and radio stations are crucial to the re-establishment of social bonds and to the reconciliation process", said the ICTR Spokesman.*

Mr. Amoussouga pointed out that the ICTR was part of the UN efforts to build and promote post-conflict peace building efforts in Rwanda following the 1994 genocide.

He told the gathering that society today lives in times that are marked by genocides, mass killings and other violations of Human Rights, where the role of the media is irreplaceable. He added that there is need for governments and parliaments to create a clear and concise legal framework that allows journalists to pursue their profession freely and only the court must be the institution to determine the limits of press freedom.

He however cautioned that journalism must be guided by codes of principles developed by the media professionals themselves.

During the presentation, the ICTR spokesman spoke about the media trial involving 3 Rwandans that was illustrated by a documentary film of 15 minutes. He reminded those present on the behavior of the

Rwandan media in 1994, saying that this was an illustration of the misuse of the media to disseminate ethnic hatred and provoke killings.

*"The judgment in the media trial sets the boundaries between the rights guaranteed to press freedom by the international law and incitement to commit crimes. There is also a clear message signaling that there will not be impunity for media professionals who use the media to incite violence".*

Mr. Amoussouga also mentioned the genocide fugitive Felicien Kabuga who is still at large. *"In spite of massive efforts by the ICTR and international pressure, he remains at large.... It would affect the legacy of the ICTR and create an impression of impunity."* He said that the Tribunal will continue to appeal to all UN member states to live up to their legal obligations to apprehend and transfer accused persons to the Tribunal.

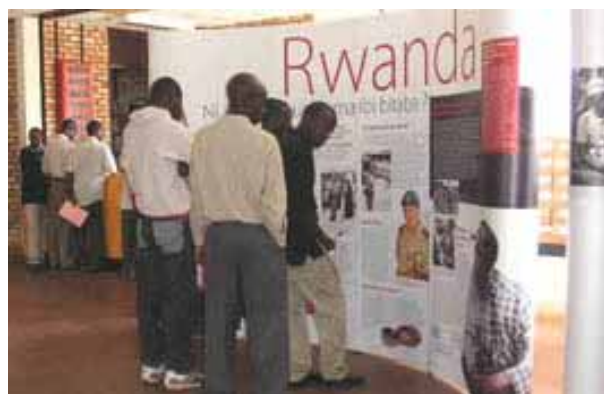
The celebration was attended by the Rwandan Minister of Information, Madame Louise Mushikiwabo, Presidential Envoy to the Great Lakes Region, Mrs. Rosemary Museminari, Minister of Foreign Affairs and Cooperation, Dr. Richard Sezibera, Director of the Rwanda Bureau of Information and Broadcasting, Mr. Oscar Kimanuka, Presidential Adviser on Communications and Public Relations, Mr. Alfred Ndahiro, former Minister of Information, Prof. Laurent Nkusi, foreign dignitaries and media experts.

Mr. Amoussouga also held meetings with the Minister of Information, the Director of the Rwandan Bureau of Information and Broadcasting and other officials. Their discussions focused mainly on the relationship between the ICTR and the Government of Rwanda and how to strengthen the media partnership between the Tribunal and various stake holders in Rwanda.

- **UN DPI and ICTR hold Exhibitions in Rwanda**

### **"Lessons from Rwanda"**

As part of the United Nations outreach programme, the International Criminal Tribunal for Rwanda (ICTR) in collaboration with the Department of Public Information in New York, from 13-17 May 2008 conducted an exhibition at the National University of Rwanda. The



National University of Rwanda Students at the Exhibition



exercise was carried out by staff members of the Tribunal's Information Centre based in Kigali.

This event that focused on "Lessons from Rwanda" is contained in the United Nations and Prevention of Genocide initiative which is an Information and educational outreach programme run by the United Nations Department of Public Information (DPI).

The beneficiary group consisted of students undertaking various courses at the university, the administration and the university community. The exhibition which increased the scope of the dissemination of information on lessons from the Rwandan genocide, was characterized by the display of posters displaying pictures and information on the history of the Rwandan genocide, how it was planned, the key players, the role of the United Nations and examples of other similar human catastrophes in other parts of the world.

The exhibition included screening of films and discussions. All programs were conducted in Kinyarwanda and this was remarkably appreciated by the participants. English and French was also used for those who did not understand Kinyarwanda.

The ICTR documentary entitled "Justice today peace tomorrow" was screened in the University's main hall. This was followed by a question and answer session.

The exhibition followed similar ones that were held at the Kigali Independent University Campus at Rubavu in western Rwanda from 22-26 April 2008 and at Nkumba Peace Center in Northern Rwanda from 28 April 2008- 2 May, 2008.

## News from The Hague

### • Activity of the Appeals Chamber

The appeals in the *Muvunyi* case which were heard in Arusha on 13 March 2008 are under deliberation. Additionally, the Appeals Chamber is seized of an appeal from judgement in the *Karera* case where the briefing is in progress (the Appeal Brief was filed on 7 April).

In addition to the appeals from judgement, the Appeals Chamber is seized of a request for clarification in the *Niyitegeka* case, and two motions arising from the *Nahimana et al.* Appeal Judgement.

During May, the Appeals Chamber delivered decisions on interlocutory appeals in the *Karemura et al* and *Bizimungu et al* cases, one post-appeal decision in the *Nahimana et al.* case, and one other order.

### • Inter-Tribunal Co-operation, ICTR-Internal Co-operation

The ICTR staff members in The Hague have received consecutively Mr. Adama Dieng, the ICTR, Registrar and Judge Dennis C. M. Byron, ICTR President, both of whom were on official mission in The Hague from Monday, 12 to Friday, 16 May 2008 and from Friday,

30 to Saturday, 31 May 2008, respectively.



Mr. Dieng with ICTR Staff at The Hague

The Registrar, Mr. Dieng participated in a meeting of the "Joint Advisory Committee on Archives" of both ICTR and ICTY, met with judges and addressed the ICTR staff members in The Hague on various aspects of the work of the Tribunal, including budget, staffing and recruitment policy, transfer of accused persons and progress made towards the completion of the case-load, etc.



President Byron with ICTR Staff at The Hague

President Byron, met with judges of ICTR, ICTY and ICC and held his first ever meeting with the ICTR staff members in The Hague. During that meeting, he addressed staff members on progress made and ongoing discussions in regard to the work of the Tribunal including the calendars of the Trial Chambers, transfer of indictments under Rule 11*bis* of the Rules, relocation of acquitted persons, accused persons at large, the work of the Rules Committee inviting staff members to send in amendments they may wish to propose to the Rules. The President also touched on possible alternative policies and mechanisms for dealing with appeals cases in the context of the Completion Strategy.

Both the President and the Registrar, in their respective capacities, emphasized the need for enhanced coordination between the ICTR Headquarters in Arusha and the ICTR Office in The Hague. They further invited staff members to keep a positive attitude and to continue working with their dedication in order to achieve their individual mandate as part of the general mandate of the Tribunal.

## Other News

### • ICTR Staff Sit for Language Proficiency Examinations

Staff Development and Training Unit supervised Language Proficiency Examinations (LPE) from 5-7 May 2008 in English, French and Spanish.

The Language Proficiency Examination is divided into



During the English LPE

two main parts, an oral test and a written and audio exam. The written and audio exam in English took place on 6 May 2008, and the French and Spanish on 7 May 2008. A total of 36 candidates sat for the Language Proficiency Examinations in 2008, out of which 7 candidates came from Kigali for the English and French exams. The examinations were organized and invigilated by the staff of the Staff Development and Training Unit. The results are expected to be released in December 2008. Candidates and staff members may visit the website below for details on the LPE and information regarding the processing of the examinations already undertaken.

<http://www.un.org/exam/lpe/welcome/main.asp>

- **Munlo, Former ICTR Deputy Registrar Sworn-in as Malawi Chief Justice** *By Samuel Chibaya, Nation Publications Limited, Malawi*



Lovemore Munlo, right, being sworn in as Chief Justice by Chief Secretary in the OPC, Bright Msaka at State House, Malawi

The new Malawi Chief Justice Lovemore Green Munlo and Auditor General Reckford Kampanje were sworn-in on 5 May 2008 at the New State House in Lilongwe after Parliament confirmed the two in their appointments by Chief Secretary in the Office of the President and Cabinet Bright Msaka and President Bingu wa Mutharika.

Mutharika called upon the two to work with diligence in executing their duties. He said Munlo has a daunting task to reorganize and rebuild the judiciary by re-establishing dignity and re-instilling confidence in the general public. Munlo emphasized the need for consultation, especially with the Malawi Law Society and other stakeholders for

the Judiciary to function well.

*"The first thing I will do is to hold consultations with the Judiciary, the Malawi Law Society and with individual parties so that we can see the way forward"* said Munlo.

### ICTR Honours St. Constantine's School

On 14 May 2008 a team from ERSPS visited the Arusha-based St. Constantine's International School to present more than 150 desk calendars of the Tribunal for year 2008 which contain drawings by the school's primary level students on the themes: "Fighting Impunity" and "Fighting for Justice."



Bocar Sy and Danford Mpumilwa with Henry Gericke (centre) the Headmaster of the school and teachers

The ERSPS delegation composed of Mr. Bocar Sy, Head of Communication Cluster and Mr. Danford Mpumilwa, Associate Information Officer also presented the school with ICTR documentary films, brochures and leaflets.



Speaking during the ceremony Mr. Sy thanked the management and the students of the school who had responded positively to the Tribunal's call to participate in 'Drawings and Essays' competition which is organised annually to sensitise youths in Tanzania on the work of the Tribunal.

He told the more than 200 students that it was very important for the youth, particularly those from Africa, to learn and understand the importance of fighting impunity and promoting justice in light of the genocide which took place in Rwanda in 1994.

Mr. Sy invited them to again take part in this year's project which will involve students of schools from all over the country.

## A Tribute to Augustin Twagirayezu by Sukhdev Chhatbar (Hirondelle News Agency)



Augustin Twagirayezu, a journalist with Hirondelle News Agency passed away on 30 May 2008 on his way to work.

Augustin Twagirayezu was born in Kahi village, Gituza district in the former Byumba region, now known as Mutara region.

Augustin was a dedicated catholic, who joined Minor Seminary in 1973 at the St. Kizota in Zaza, eastern Rwanda.

His desire for further education was successfully realized In 1980, when he joined the Rwandan National University; the Faculty of Languages and impressively graduated with Honours in Bachelor of languages in French literature in 1985.

With his sound knowledge and intelligence, he immediately landed with a job with the Rwandan Information Services (ORINFOR) as a Journalist in a weekly newspaper, namely “*La relev.*”

Augustin’s thirst for knowledge did not end there. In 1988, Augustin succeeded to go for further studies in journalism—this time outside Rwanda-- at the CFPJ College in Paris, France. On his return in 1989, he was immediately appointed Editor of the “*La relev.*”. He later moved to Radio Agatashya as Assistant Editor and a year later he became Chief Editor of the radio before crossing over in 1997 to join Hirondelle Foundation where he worked for about eleven consecutive years until the cruel hands of death struck him on early hours of Friday morning as he was heading to his office.

As a journalist of the Hirondelle, Augustin reported extensively on ICTR operations and also reported for the Voice of America (VOA), Kinyrwanda section, where his last emission was aired early in the morning of Friday, just two hours before his sudden departure into the waiting hands of the almighty God, aged 47.

One of the best qualities championed by the late Augustin was his mastery of four languages—Kinyarwanda, French, English and Kiswahili—the languages used in the Hirondelle dispatches.

He was humble, keen, disciplined and a man with wisdom. He has left a big gap in the Hirondelle family and the journalistic fraternity.

The deceased was at times referred as encyclopedia by his colleagues in the newsroom.

The best way to remember Augustin is by way of carrying on his good deeds and his commitment to the journalistic profession and in particularly, the reconciliation efforts of the ICTR in Rwanda and the Great Lakes Region.

The late Augustin has left a widow and a daughter. May God give them courage to bear this difficult loss.

**May the Almighty God rest his soul in peace!**