



# ICTR Newsletter

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## Roundtable Discussion on International Cooperation



From L-R: Ms. Fatou Bensouda, Deputy Prosecutor of ICC, Mr. Serge Brammertz, Prosecutor of ICTY, Justice Hassan Jallow, Prosecutor of ICTR, Judge Dennis Byron, President of ICTR, Mr. Stephen Rapp, Prosecutor of the SCSL and Mr. Adama Dieng, Registrar of ICTR

The Prosecutors of the ICTR, ICTY, SCSL, ECCC, ICC and representatives from national prosecuting authorities, NGOs and civil society met in Arusha, Tanzania from 26 – 28 2008.

Together they renewed their commitment to actively collaborate with one another to ensure that there are no gaps in the struggle against impunity, that no safe havens remain for suspects of international crimes, and that any work left over from the mandates of the international tribunals is efficiently undertaken by national systems.

To ensure this, they committed themselves to taking the necessary

steps to :

- Encourage Member States to proceed with the incorporation of international crimes within domestic legislation;
- Encourage Member States to harmonise their respective national Rules of Procedures and Evidence with those of the international tribunals when dealing with

international crimes;

- Pursue the establishment of a universal framework for extradition in respect of international crimes;
- Establish a network of international prosecutors, national prosecuting authorities and NGOs to facilitate interaction, exchange of information and sharing of best practices;
- Establish a regime for the protection and support of victims providing not only physical protection, but also medical and psychological support. Such a regime should continue to operate after the closure of the ad hoc tribunals;
- Recommend to national prosecuting authorities to integrate gender-based crimes into their strategy for the investigation and prosecution of international crimes;
- Establish a mechanism for national prosecuting authorities to secure timely and effective access to the information resources of the international tribunals upon their closure.

## ICTR Opens Second Information & Documentation Centre in Gasabo, Rwanda



L-R Mr. Epimaque Rubango, Representative of the Minister of Justice, Mr. Adama Dieng, Ms Fabienne Kabagambe, President, Gasabo; Mr. David McCrae, Head of European Union, Mr. Alphonse Hitimana, Deputy Prosecutor General

The Registrar ICTR, Mr. Adama Dieng accompanied by the Head of the European Commission Delegation to Rwanda, Ambassador David Macrae on Friday 14 November 2008, inaugurated the first of the nine ICTR Provincial Information and Documentation Centres in Gasabo District of Kigali City. The Centre is located at the

offices of the Gasabo Higher Court of Instance. The centre, which includes television equipment that will enable area residents to follow live telecasts of court sessions in Arusha, Tanzania where the tribunal is based, also has books and computers that will help the residents to access information on the Internet.

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In his speech, the ICTR Registrar said that the launching of this centre was a testimony of the strong cooperation between Rwanda, the European Commission and the ICTR.

*“As we inaugurate this Gasabo Centre, 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 to ensure their efficient use”.*

He expressed his gratitude to the Government of Rwanda for its generous and graceful contribution in making available facilities for the ICTR Centres 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 in Rwanda and promote peace and security in Rwanda and the Great Lakes Region.

According to Mr. Dieng, *“The main objective of the ICTR Centres was to bridge the information gap between the ICTR and the people of Rwanda...having catered for the Kigali population, ICTR decided to expand its outreach coverage to ten Districts. This centre will facilitate access to the jurisprudence of the ICTR and other legal materials for members of the Rwandan judiciary who are working in the courts outside the capital.”*

At the same occasion, speaking on behalf of the Government of Rwanda, State Attorney, Epimaque Rubango thanked the ICTR and the European Union for their support in establishing the Centre. He added that the government of Rwanda acknowledges the maximum support the European Union and ICTR have been providing in rehabilitating and developing the

Justice Sector in the country.

The Head of the European Commission Delegation in Rwanda, Ambassador David Macrae expressed his appreciation of the work being done by the ICTR in the promotion of justice in Rwanda. He pointed out that the European Union has been financing ICTR activities and the Justice Sector in Rwanda as a means of promoting unity and reconciliation in the country.



Mr. Roland Amoussouga at the podium as Master of Ceremony

Mr Roland Amoussouga, the Chief of the External Relations and Strategic Planning Section and Spokesman of the ICTR said that the establishment of the Provincial Centres will be instrumental in the dissemination of 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 Provincial Judicial Palaces in nine locations; namely Muhanga, Nyagatare, Rusizi, Nyamagabe, Karongi, Ngoma, Musanze, Rubavu and Gicumbi.

## Judicial Decisions of the ICTR from 1-30 November 2008

Date Created	Record Number	Title	TC
03/11/2008	ICTR-99-50-2041	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S SECOND MOTION FOR FORMAL DISCLOSURE AND FOR LEAVE TO REOPEN HIS DEFENCE	TC 2
04/11/2008	ICTR-99-50-2042	BIZIMUNGU ET AL - DECISION ON JUSTIN MUGENZI'S MOTION TO ADMIT TRANSCRIPT EXTRACTS OF GENERAL ROMEO DALLAIRE'S EVIDENCE IN THE NDINDILYAMANA PROCEEDINGS (ARTICLE 19 AND 20 OF THE STATUTE AND RULES 68 (A) AND (E), 89 (C), AND 92 BIS (D) OF THE RULES	TC 2
04/11/2008	ICTR-99-50-2043	BIZIMUNGU ET AL - DECISIONS ON FOUR PROSPER MUGIRANEZA MOTIONS CONCERNING WITNESS LIST (RULE 92 BIS OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
05/11/2008	ICTR-07-91-0074	NSHOGOZA - DECISION ON DEFENCE JUDICIAL AND ADMINISTRATIVE APPLICATION FOR DEFERRAL IN FAVOUR OF THE ICTR	TC 3
05/11/2008	ICTR-00-55B-0078	HATEGKIMANA - DECISION ON REQUEST FROM THE REPUBLIC OF RWANDA FOR PERMISSION TO FILE AN AMICUS CURIAE BRIEF	TC 3
07/11/2008	ICTR-98-44D-0004	NZABONIMANA - DECISION ON PROSECUTION MOTION FOR SEVERANCE AND AMENDMENT OF INDICTMENT	TC 1
07/11/2008	ICTR-98-44D-0006	NZABONIMANA - DECISION ON PROSECUTION MOTION FOR SEVERANCE AND AMENDMENT OF INDICTMENT	TC 1
07/11/2008	ICTR-07-91-0075	NSHOGOZA - DECISION ON DEFENCE REQUEST CONCERNING THE DEADLINE FOR RULE 72 PRELIMINARY EXCEPTIONS MOTION	TC 3



Date	Record Number	Title	TC
10/11/2008	ICTR-07-91-0077	NSHOGOZA - DECISION ON DEFENCE MOTION TO HAVE WITNESS BLP REMOVED FROM PROSECUTION LIST OF WITNESSES AND FOR THE PROSECUTION TO FILE A PRE-TRIAL BRIEF	TC 3
10/11/2008	ICTR-98-44-1108	KAREMERA ET EL - INTERIM ORDER CONCERNING JOSEPH NZIRORERA'S 19TH NOTICE OF VIOLATION OF RULE 66 AND MOTION FOR REMEDIAL AND PUNITIVE MEASURES: JEAN-MARIE VIANNEY MUDAHINKUYA	TC 3
10/11/2008	ICTR-98-44-1109	KAREMERA ET EL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT TESTIMONY OF WITNESS WFP-1	TC 3
10/11/2008	ICTR-98-44-1107	KAREMERA ET EL - DECISION ON JOSEPH NZIRORERA'S MOTION TO ADMIT TESTIMONY OF ELIZAPHAN NTAKIRUTIMANA	TC 3
11/11/2008	ICTR-01-63-0079	NCHAMIHIGO - DECISION ON MOTIONS FOR EXTENSION OF TIME FOR FILING OF NOTICES OF APPEAL	TC 3
11/11/2008	ICTR-96-3-1348	RUTAGANDA - DECISION ON GEORGES RUTAGANDA'S APPEAL CONCERNING ACCESS TO CLOSED SESSION TESTIMONY AND SEALED EXHIBITS	AC
13/11/2008	ICTR-00-56-1006	NDINDILYIMANA ET AL - INTERIM ORDER CONCERNING BIZIMUNGU'S MOTION FOR THE ADMISSION INTO EVIDENCE OF WITNESS BTH'S TESTIMONY AND EXHIBITS GIVEN IN THE KAREMERA CASE BETWEEN 10 AND 17 APRIL 2008 (Rule 54 of RPE)	TC 2
13/11/2008	ICTR-97-31-0250	RENZAHO - DECISION ON RUTAGANDA'S MOTION FOR RECONSIDERATION OR ALTERNATIVELY, CERTIFICATION TO APPEAL THE DECISION OF 3 APRIL 2008 ON REQUEST FOR CLOSED SESSION TESTIMONY AND SEALED EXHIBITS	TC 1
13/11/2008	ICTR-98-41-2290	BAGOSORA ET AL - DECISION ON BIZIMUNGU DEFENCE REQUEST FOR DISCLOSURE OF CLOSED SESSION TESTIMONY AND EXHIBITS PLACED UNDER SEAL	TC 1
13/11/2008	ICTR-01-71-0113	NDINDABAHIZI - DECISION ON NDINDABAHIZI'S MOTION FOR RECONSIDERATION OR CERTIFICATION TO APPEAL DECISION OF 5 MARCH 2008 ON DISCLOSURE OF CLOSED SESSION TESTIMONY	Chamber Pending
13/11/2008	ICTR-05-88-0105	KALIMANZIRA - CONSOLIDATED DECISION ON PROSECUTORION MOTION CONCERNING DEFENCE COMPLIANCE WITH RULE 73TER AND DEFENCE MOTION TO VARY WITNESS LIST	TC 3
14/11/2008	ICTR-97-21-1004	NYIRAMASUHUKO ET NTAHOBALI - DECISION ON NTAHOBALI'S MOTION FOR ADMISSION OF TWO RWANDAN JUDGEMENTS INVOLVING PROSECUTION WITNESS TQ	TC 2
17/11/2008	ICTR-00-61-0068	GATETE - DECISION ON PROSECUTOR'S REQUEST FOR REFERRAL TO THE REPUBLIC OF RWANDA	TC 1
17/11/2008	ICTR-98-44-1205	KAREMERA ET AL - DECISION ON MATHIEU NGIRUMPATSE'S MOTION FOR EXTENSION OF TIME TO FILE AN INTERLOCUTORY APPEAL	TC 3
18/11/2008	ICTR-99-50-2057	BIZIMUNGU ET AL - DECISION ON PROSECUTOR'S MOTION TO ADMIT EXTRACTS FROM GENERAL ROMEO DALLAIRE'S BOOK, "SHAKE HANDS WITH THE DEVIL" (RULES 89 (C) OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
18/11/2008	ICTR-98-44-1204	KAREMERA ET AL - REPLY BRIEF: JOSEPH NZIRORERA'S APPLICATION FOR CERTIFICATION TO APPEAL DECISION ON MOTION TO ADMIT TESTIMONY OF ELIZAPHAN NTAKIRUTIMANA	TC 3
18/11/2008	ICTR-99-46-0198	NTAGERURA - DECISION ON MOTION TO APPEAL THE PRESIDENT'S DECISION OF 31 MARCH 2008 AND THE DECISION OF TC III OF 15 MAY 2008	TC 3
19/11/2008	ICTR-98-44-1206	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S OMNIBUS MOTION ON THE TESTIMONY OF AHMED MBONYUKIZA, NOTICE OF 15TH VIOLATION OF RULE 72 (E), AND MOTION TO STRIKE THE PROSECUTOR'S RESPONSE	TC 3
20/11/2008	ICTR-98-42-1487	NYIRAMASUHUKO ET AL - DECISION ON DEFENCE MOTIONS FOR RECALL AND FURTHER CROSS-EXAMINATION OF PROSECUTION WITNESS QCB	TC 2
20/11/2008	ICTR-07-91-0085	NSHOGOZA - DECISION ON DEFENCE MOTION TO EXAMINE ON AFFIDAVIT	TC 3
20/11/2008	ICTR-99-50-2058	BIZIMUNGU ET AL - DECISION ON CASIMIR BIZIMUNGU'S MOTION FOR RELIEF FROM THE PAGE LIMITATION ON FINAL TRIAL BRIEFS	TC 2
21/11/2008	ICTR-98-44-1212	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION TO VACATE ORAL HEARING ON SEVERANCE	TC 3
21/11/2008	ICTR-98-44-1213	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S FIFTH RULE 66(B) MOTION: SELECTIVE PROSECUTION DOCUMENTS	TC 3



Date	Record Number	Title	TC
21/11/2008	ICTR-98-44-1214	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR BINDING ORDER TO THE UNITED STATES OF AMERICA AND MOTION FOR REQUEST FOR COOPERATION TO GOVERNMENT OF SWITZERLAND	TC 3
24/11/2008	ICTR-07-91-0086	NSHOGOZA - DECISION ON PROSECUTOR'S EXTREMELY URGENT MOTION FOR PROTECTIVE MEASURES FOR VICTIMS AND WITNESSES	TC 3
26/11/2008	ICTR-98-42-1491	NYIRAMASUHUKO ET AL - DECISION ON NTAHOBALI'S MOTION FOR A STAY OF PROCEEDINGS FOR UNDUE DELAY	TC 2
27/11/2008	ICTR-98-44-1299	KAREMERA ET AL - DECISION ON JOSEPH NZIRORERA'S MOTION FOR PUBLIC FILING OF DECISION	TC 3

## ICTR Prosecutor Meets Rwanda Prosecutor General



His Excellency Mr. Martin Ngoga, Prosecutor General of Rwanda arrived on 19 November 2008 in Arusha, Tanzania for consultations with the Prosecutor of the ICTR, Mr. Hassan Bubacar Jallow.

The meeting which spanned two days was also attended by H.E. Mr. Aloys Mutabingwa, the Representative of Rwanda to the ICTR. The discussions have focused on the strategy for referral of ICTR cases to Rwanda for trial. In this context, the parties welcomed the recognition by the ICTR that the Rwandan courts are independent and impartial. They however took note that for various other reasons, the ICTR has declined for the time being to refer cases to Rwanda.



*His Excellency Mr. Martin Ngoga*

The two Prosecutors identified the concerns of the ICTR and explained ways in which the obstacles to referral could be overcome. Prosecutor General Ngoga emphasized the commitment of Rwanda to work towards achieving success in the referral strategy and ICTR Prosecutor confirmed that once the necessary remedial measures were taken, his office would be ready to apply to the ICTR Chambers to consider further requests for referrals to Rwanda.

## News from Kigali

### • ICTR-DPI Hold Exhibition in Burundi



The ICTR in collaboration with the UNIC Bujumbura from 17-19 November 2008 organized a Public Conference and Exhibition of "Lessons from Rwanda Genocide" at Mwaro University, in central-south Burundi.

Innocent Kamanzi, Associate Information Officer and Coordinator of the ERSPS Office in Kigali organized the Exhibition.



More than seven local radio stations, three newspapers and a private television station covered the event.

About 2000 people visited the exhibition, among them, university students, primary and secondary schools students, local authorities as well as the communities leaving near the University. Video screenings of the Rwandan Genocide films and documentaries from DPI and ICTR were also continuously projected.

This exhibition follows others held this year in Rwanda's High Institutions of Learning like the National University of Rwanda, Kigali Independent University, Kabgayi Catholic University, Nkumba Reconciliation and Unity Centre, Ruhengeri Institute of Higher Education and Kibungo Agricultural Technical University.

## News from The Hague

### • Activity of the 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 and deliberations and judgement drafting are in progress. In the Nchamihigo case, the Appeals Chamber granted an extension of time for the filing of notices of appeal to both parties.

The Appeals Chamber is also seized of an appeal by the Prosecution against a decision denying its motion to refer the case of Ildephonse Hategekimana to Rwanda. The briefing relating to Rwanda's amicus submission in this appeal is now complete and deliberations are proceeding. Two interlocutory appeals have been filed in the Karemera et al. case. One is an appeal by Matthieu Ngirumpatse concerning his witness list and the other was brought by Joseph Nzirorera in respect of an alleged refusal to investigate a Prosecution witness for false testimony. In addition to these appeals, the Appeals Chamber is seized

of six applications relating to the Media case Appeal Judgement, including a request for review filed by Hassan Ngeze. Briefing in these matters is proceeding.

During November, the Appeals Chamber ruled on a motion concerning State cooperation brought by Andre Ntagerura as well as on George Rutaganda's appeal concerning access to closed session materials. It has also issued nine preliminary decisions or orders.

To date, the Appeals Chamber has delivered twenty Appeal Judgements, concluding the appellate proceedings in respect of twenty-six persons..

- **Testimonies of witnesses by video-link**

Following the Order of 22 August 2008 issued by Trial Chamber II, composed of Judges Asoka de Silva (Presiding), Taghrid Hikmet and Seon Ki Park, the Other Registry Services Sub-Unit (ORSS-U) of the ICTR Office in The Hague has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, the hearing of a testimony of a witness by video-conference link in November 2008.

### **The Prosecutor meets OTP Interns**

The Prosecutor of the ICTR met with OTP Interns on 13 November 2008 in his conference room. During the meeting, Justice Hassan Bubacar Jallow took the Interns through the Tribunal's processes and shed some light on the completion strategy and how his office was working towards its realization. He highlighted the challenges being faced, his office's relationship with the out side world (Kigali in particular) and his views on the Tribunals' impact on the International criminal justice system.



Seated (L-R) Lisa Tiechman, Rose Spencer-longhurst, Hassan Jallow and Thabani Mpofo; Standing (L-R) Kaisu Ahtola, Christina Sanford, Gabriela Buergi, Aman Gebru, Julia Chiara, Fadzayi Mahere, Elizabeth Sawe, Fahad Ahmed (Intern's President), Irina Buharu and James Jesse

After his flowing and well reasoned delivery, the floor was then opened with the Interns making comments, suggestions and asking questions. It appeared some of the Interns were after the Prosecutor's job and when he realized that the meeting then ended as he probably sought to quickly carve a power retention strategy. In the whole the meeting was fruitful, brought the Interns in contact with a man they idolize and also allowed them to get a first hand account on issues that they have heard about from many mouths, some of which were hostile and uninformed. The meeting ended with the Prosecutor thanking the Interns for their time and their sterling contribution to the activities of the OTP.

### **Laughing Ban Ki-Moon's Stress Off** by Thabani Mpofo



If what I am going through informs, then I think we might need to chuckle a bit and get the stress accumulated as a result of answering to Ban Ki Moon's call behind us. I have decided to share with you one or two from Zimbabwe, and believe me, everything happens in my country.

- **And Why They Continue to Wear Red**

Interpreter "Your Lordship I am afraid the witness is asking irrelevant questions"

Judge "I hadn't realized that my job is at risk, since when did the determination of relevance and irrelevance become your business"

Interpreter "Ok then your lordship, the witness wishes to know where you bought that seemingly expensive red blanket that you are wearing".

- **Legal Nudity**

It was about 2 in the afternoon just after lunch and Advocate Gillespie had been leading his witness in the morning session. When the afternoon proceedings commenced he stood up and had this to say; "M'Lord during the lunch break, my witness was caught in an unexpected heavy downpour and as such his jacket is heavily drenched. Under the circumstances, I crave the court's indulgence that he be allowed to testify without his jacket on. Might I add M'lord, I was also caught in that downpour as well and as a result my trousers are soaked. I will however, not entreat the court's indulgence any further in that respect".

If only he had had the nerve to make the request.

- **I Also Sentence You**

An elderly woman had been caught with a big bag of Cannabis Sativa L and had been arraigned before the criminal courts. She had pleaded guilty and tried to explain to the Magistrate that she was a widow and selling grass was her only way of meeting her families needs, never having heard the school bell when it rang. At any rate, she had indicated that she did not preach to anyone before selling her wares and was consequently meeting the needs of the already converted who would still smoke even if she were to be put away. Despite her painstaking submissions, she was put away and with a grin on his face, the Magistrate announced 5 years in with hard labour. And to this the lady responded, "Very well your worship, you shall also sit on that chair up until I come out of prison". You obviously know what happened, when the Magistrate tried to stand up, it was as if somebody had put glue on the chair, African juju. In no time at all, an in court settlement was reached and the lady earned her liberty.

- **Rampant Criminality**

So this court had two Magistrates, predictably an old man as the senior and an assistant, fresh from law school. On a Sunday they had gone to play golf, probably judicial golf and in the process violated some regulations. On Monday, they had to go into court and so they decided that the senior beak would sit and deal with his junior and thereafter the roles would be changed. The junior was brought in, cheek in hand and after pleading guilty the old man just reprimanded him and let him go. Then came the young man's turn to take charge of the proceedings and after the guilty plea this is what he had to say; "This is the second time this morning that this court has had to deal with such a violation. I must consequently take a very serious view of the matter. You are ordered to pay a fine (sum stated) or face 15 days in, with labour"

After the episode, the young man wished he had died at birth.

## **Yearbook of the United Nations Website Launched** *Federigo Magherini, UN Yearbook Section*

The online version of the Yearbook of the United Nations – the world Organization’s flagship reference publication – was launched on Thursday, 9 October at 10:15 a.m. in the General Assembly Visitor’s Lobby.



*Eric Falt, Director of the Outreach Division of the DPI, launches the UN Yearbook website, as Secretary-General Ban Ki-moon (second from right, seated), listens.*

Kiyo Akasaka, Under-Secretary-General for Communications and Public Information illustrated the

new website – <http://unyearbook.un.org> – which provides free public access to the 59 volumes of the Yearbook collection, detailing the work and achievements of the United Nations system over the first 60 years of its existence (1946-2005).

The new site incorporates a user-friendly search function, allowing users to locate any Yearbook reference using key words, phrases or document symbols, by year or range of years. The new website is expected not only to serve as a strong research tool, but to also help users better understand global issues as they affect them, also broadening the Organization’s outreach to the public.

The Yearbook of the United Nations is the most comprehensive and authoritative work on the Organization. Each Yearbook volume provides analysis, is fully indexed, and includes the texts of, and votes on, all major General Assembly, Security Council and Economic and Social Council resolutions and decisions.