



ICTR NEWSLETTER



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President Møse before the General Assembly

On Monday 9 October 2006, Judge Erik Møse, President of the ICTR presented the eleventh annual report to the General Assembly. Since the last report, the Trial Chambers have delivered six new judgements and another case is nearing judgement. So far, judgements have been rendered or trials are on-going in respect to a total of fifty-six accused.

The President informed the General Assembly that the five multi-accused trials, which are the Military I, Military II, Butare, Government and Karemera et al. cases, are the main challenge to the Tribunal in regards to their volume, complexity and time frame allocated to complete the trials. He requested the extension of the term of office for ad litem judges that would provide the Tribunal with stability and effective planning of trials. Judge Møse was pleased to inform the General Assembly that the ICTR was on schedule to complete cases by the end of 2008, as envisaged by the Completion Strategy.



President Møse asked member States to contribute to the ICTR by accepting transfer of trials to their jurisdiction and by arresting indictees at large.

(The full text of the address is reproduced on p. 2)

Third Colloquium of Prosecutors

On October 6-7 2006, the Prosecutors of the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY), Luis Moreno Ocampo and Carla Del Ponte respectively, co-hosted the third colloquium at The Hague, the Netherlands. The Special Court for Sierra Leone (SCSL) was the host Tribunal for last year's colloquium held over two days in June while in November 2004, Arusha was the location for the first of the Prosecutors Conference.

The colloquium brought together international Prosecutors from the Tribunals all over the world including Robert Petit and Chea Leang, co-Prosecutors of the Extraordinary Chambers in the Courts of Cambodia (ECCC), and Chris Staker, Acting Prosecutor of SCSL. The ICTR was represented by its Prosecutor, Hassan Bubacar Jallow, Deputy Prosecutor, Bongani Majola, Stephen Rapp, Chief of Prosecution and Alfred Kwende, Officer-in-Charge of Investigations.

Tribunal Marks 61st UN Day

On 27 October 2006 the Tribunal marked the 61st Anniversary of the United Nations Organisation by hosting hundreds of students from Arusha-based schools.

The students who attended a flag raising ceremony later assembled in Simba Hall of the Arusha International Conference Centre where they watched a documentary film about the work of the Tribunal.

The Public Affairs and Information Unit briefed them on the work of the Tribunal, which was followed by a question and answer session.



Hon. Samuel Ndomba, the Arusha Regional Commissioner, the Tribunal President Judge Erik Møse, the Registrar Mr. Adama Dieng and the Prosecutor Mr. Hassan Bubacar Jallow

The occasion was graced by speeches from the Guest of Honour, Hon. Samuel Ndomba, the Arusha Regional Commissioner, the Tribunal President Judge Erik Møse, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar Mr. Adama Dieng.

This year the ceremony was postponed from the official date of 24 October due to Eid el Fitri celebrations in Tanzania.

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Third Colloquium of Prosecutors

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Mr. Jallow addressed the issue of focused investigations stating *"it is required that the Prosecutor considers selection of criteria at different stages, including the selection of situations for investigation and the selection of cases for Prosecution."*

The Prosecutor acknowledged that there was room for imagination and innovation within the confines of the prevailing trial procedure. He further stated that the Prosecutor was not the only party responsible for the course and pace of the trials but that the Defence and the Bench were equally important partners in ensuring the wheels of justice turned smoothly and effectively.

The acting Prosecutor for SCSL concentrated on the issue of working with the national systems while the Prosecutor of the ICTY was concerned with the co-operation of States which the Tribunals are dependant on; an issue which has also presented itself many times to the ICTR.

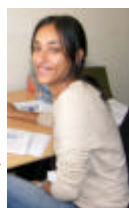
This unique event provided a forum for the Prosecutors to discuss a range of topics that included a roundtable discussion with the Chief Prosecutors entitled *"The Emerging International System: Impact on the Fight against Impunity."* Among the observers were various NGOs such as Amnesty International and the Open Society.

The ICTR Prosecutor facilitated the discussion on the speeding up of trials in accordance with the Completion Strategy. Justice Jallow stated it was important to ensure that the quickening pace of the trials would not be prejudicial to the rights of the accused. The main issue he addressed was how the Office of the Prosecutor (OTP) could assist the Trial Chambers, taking into consideration that the Investigations Division is based in Kigali and the Chambers, Defence, and Prosecution in Arusha.

The Prosecutor stated that speeding up trials commenced with the strategies adopted by the OTP for example, the pre-trial brief describing the evidence as well as the Prosecution's theory of the case and the established Information and Evidence Support Section (IESS) that serves both trials and appeals divisions ensuring the evaluation of all OTP documents. The IESS aims to improve methods for collection, preservation, management of evidence, and to enhance the management of witnesses. Mr. Jallow expressed continuing endeavours to *"keep the trials simple, focused and based on the most essential evidence"* and to support these aims, the OTP has established trial teams under the leadership of a Senior Trial Attorney, who guarantees adherence to trial management.

By Tania Gobena

Tania is an intern with Public Affairs & Information Unit. She is a graduate in Creative Writing from the University of Leeds, UK.



11th Annual Report of the ICTR Presented to the General Assembly by Judge Erik Møse

On Monday 9 October 2006, Judge Erik Møse, President of the ICTR presented the Eleventh Annual Report to the General Assembly. Since the last report, the Trial Chambers have delivered six new judgements and another case is nearing judgement. So far, judgements have been rendered or trials are on-going in respect to a total of fifty-six accused. Below we reproduce the speech.

"Madam President, Your Excellencies, ladies and gentlemen,

It is a great honour to address the distinguished members of the General Assembly in order to present the eleventh annual report of the International Criminal Tribunal for Rwanda (ICTR).

When the tenth report was presented to the Assembly one year ago, twenty-five accused had received judgments. This number has now increased to thirty-one. Of the six new judgments, three were delivered within the period under review (from 1 July 2005 to 30 June 2006). Another three judgments were rendered in September 2006, following trials in the reporting period. One further case is presently at the stage of judgment writing (*Seromba*). To date, judgments have been rendered, or trials are ongoing, in respect of a total of fifty-six alleged leaders of the events in 1994. Let me briefly mention the six Trial Chamber judgments just referred to:

- On 13 December 2005, Aloys Simba, who in 1994 was a retired military officer, was unanimously convicted of genocide and crimes against humanity and sentenced to twenty-five years' imprisonment.
- On 13 April 2006, Paul Bisengimana, a bourgmestre, was sentenced to fifteen years imprisonment after having pleaded guilty to crimes against humanity.
- On 12 June 2006, Joseph Serugendo was convicted, also following a guilty plea, for direct and public incitement to commit genocide and persecution. He was sentenced to six years' imprisonment. His terminal illness and poor prognosis was taken into account as a significant mitigating factor. Mr. Serugendo passed away in hospital on 22 August 2006.

Mr. Bisengimana and Mr. Serugendo bring the total number of accused who have pleaded guilty before the ICTR to six. It cannot be excluded that this number may increase further.

I will now turn to the three judgments that were rendered in September.

- Jean *Mpambara*, a bourgmestre, was acquitted of all charges against him on 12 September 2006.
- On the same day, Tharcisse *Muvunyi*, commander

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UN Day, 27 October 2007

Closing Remarks by Judge Erik Møse

Mr. Regional Commissioner; Judges; Mr. Prosecutor; Mr. Registrar; Representatives of the Defence; Chiefs of Sections; President of the Staff Association; Members of Staff; Distinguished Guests; Ladies and Gentlemen.

It is my task to close the first part of the celebration of the 2006 UN Day. On this 61st anniversary of the United Nations, ICTR employees have been joined by guests from the host country, as on previous UN Days. We have particularly welcomed the presence of Mr. Samuel Ndonga, the new Arusha Regional Commissioner. His visit to the ICTR reminds us of Tanzania's steadfast and indispensable support to the Tribunal. The presence of so many students has also made this day very memorable, together with the lovely music of the Tanzanian Brass Band.

The aims of the UN remain the same at this 61st anniversary: ensuring peace and security, human rights, and justice. Our Tribunal has a role in implementing all these ideals.

In his address to the 61st session of the United Nations General Assembly, the Secretary-General, Mr. Kofi Annan stated:

"The events of the last 10 years have not resolved, but sharpened, the three great challenges ... an unjust world economy, world disorder and widespread contempt for human rights and the rule of law ... As a result, we face a world whose divisions threaten the very notion of an international community, upon which this institution stands."

The challenges are many and well-known. Amongst the most burning issues today are perhaps the deepening crisis in Sudan's Darfur region, the turmoil in the Middle East, the nuclear programmes of North Korea and Iran, as well as the millennium development goals to reduce poverty.

The 61,000 UN employees, which is actually not a very high number compared to the daunting tasks facing the world organisation, are doing their best, often in the most difficult and traumatized places. Let me also recall the 16 peace-keeping operations currently underway, with some 92,000 peacekeepers deployed in the field.

One of the main challenges today is to ensure that the United Nations stands more united than ever before in order to increase our efforts to fight brutal global conflicts, human rights abuses and economic inequality. In order to do so, we need the support of all Member States. The on-going efforts to reform the UN in order to make it more reactive to 21st century needs will have to continue. Many steps have already been taken.

In the middle of this time of challenges and reform, the decision has just been taken to appoint a new

Secretary-General. Mr. Kofi Annan will step down on 31 December having served ten years - two five-year terms - at the helm of the United Nations. He was the first Secretary-General from sub-Saharan Africa. Mr. Ban Ki-Moon, South Korea's Foreign Minister, will be the second Asian to lead the organisation, after Mr. Sithu U Thant of Burma, who served from 1961 to 1971.

As we all know, the title of "Secretary-General" is misleading. In reality, the person in this position is neither a secretary nor a general. Instead, he is the diplomatic and administrative chief of the United Nations. It has been called the most difficult job on earth. Its duties are largely undefined, and the whole world claims the right to tell you how the job should be done. Some wish for a dynamic international leader, others a low-key administrator, avoiding the limelight and making sure that the organization runs smoothly. One Ambassador recently expressed a preference for a "proletarian" Secretary-General, who would stick to improving internal management and be little more than the chief administrator. Many of us may think that this is perhaps a bit too modest for a job description. And it may even be too ambitious: It is not easy to find excellent proletarian diplomats!

Through sheer force of personality, many previous Secretary-Generals have shaped the role into a vital diplomatic and humanitarian one. Mr. Annan is an illustrating example. His legacy as Secretary-General is immense. His fostering of a new spirit of self-criticism brought the UN to recognize the mistakes that led to the peacekeeping failures in Somalia, Bosnia and Rwanda in the 1990s. This, in turn, encouraged Member States to fund new ventures in Sierra Leone, East Timor, the Congo and elsewhere. Mr. Annan also restored the status of moral arbiter to the role of Secretary-General, or as it has been said - "a secular pope" - with which Dag Hammarskjöld had first imbued the office.

In our perspective, I would like to stress that Mr. Annan took personal interest in the ICTR and followed the work of our Tribunal closely. We bid him a fond farewell.

Mr. Ban has also stressed the need for the UN to protect victims of crimes against humanity, and has urged strong action to protect communities threatened by genocide. He has previously visited East Africa, including Rwanda. There is every reason to believe that also he will be following us closely and be proud of the important work we are doing here in Arusha.

The UN Day is an opportune moment to reflect on the year we have had in the ICTR. Since the last anniversary, we have delivered six judgments, and a seventh will be handed down soon. Trials involving 25 persons are under way. The Tribunal has steadily progressed towards its goal - to end impunity for mass atrocities through trials in conformity with the highest standards of justice. In so doing, we have contributed to peace, the rule of law and reconciliation; restored dignity to victims; and inspired the search for justice in many other conflicts. Let this serve as encouragement



and inspiration in our daily work.

You will meet persons who may doubt these ideals. Don't listen to them. The worst sin is to kill a dream. Our ideals are not simply lofty principles, but important aims that have been implemented, as we have shown in everyday life.

In order to realize our ideals, the contribution of everyone is essential. Let me illustrate this with an anecdote, which the first President of the ICTY, Professor Cassese, told me a few weeks ago:

Once upon a time, a wealthy nobleman, a knight, was riding his horse on his way back to the castle. On the road, he saw a bird, a sparrow, lying on the back with its claws pointing towards the sky. "Why are you lying there", asked the knight, "with your feet in the air?"

"I have heard that heaven will fall down, and I want to avoid it", answered the sparrow. "But do you think that you, a little bird, can have any impact?" asked the nobleman. "Well", answered the sparrow, "everyone has to make a contribution, according to his or her ability".

All of us can make a contribution and realize our common ideals. This is the situation of the ICTR employees, who are showing it here in Arusha every day. And this is the situation for you, the students, who will take over our task in a not too distant future.

Let us all be sparrows and make this world a better place.

I wish you a pleasant United Nations Day.

Address by Hassan Bubacar Jallow, Prosecutor of the ICTR

Your Excellency Honourable Samuel Ndomba,
Regional Commissioner for Arusha Region
Mr. President
Mr. Registrar
Honourable Judges
Distinguished Guests
Students

The UN is all about peace and justice. Within nations. And between nations. These are continuing preoccupations of our global community. The United Nations remains as relevant today as, perhaps more relevant to our world community as it was sixty one years ago. The Organization is perhaps best known for its work in promoting justice – economic, social and political justice, within countries as well as between them. The struggle for human rights has become synonymous with the name of the United Nations. In this era of globalization, increased competition and sometimes conflict within and between nations, the citizens of the world increasingly look to the United Nations for justice-based solutions to the problems of humanity. The environment, population increases, health, increasing water and energy needs, promoting equity in economic relations and fighting corruption, promotion of gender and social justice, the rights of

children terrorism, along with various institutional arrangements required to adjust to the fast changing reality all continue to occupy the United Nations organization. The UN has become the central place for justice in global governance.

Today the organization is increasingly called upon to involve itself in norms and standards setting for a whole range of areas as its scope and arena of work expands. Citizen involvement in the work of the United Nations, through NGOs, religious organizations and other social groups and business lobbies continue to not only enhance the relevance of the United Nations as a global organization of the people of the world and for the people of the world, but to reassert its pre-eminence as THE organization for the promotion of global virtue that is rooted in justice and peace everywhere in the world.

These are enormous challenges and the UN continues to make remarkable achievements in this regard. In addition to its work on norms and standards setting in the field of human rights - one of the success stories of the Organization, the United Nations, has also established new mechanisms such as the special Tribunals to bring to justice under the rule of law the serious violations of humanitarian law and crimes against humanity committed in the past decades. Our presence here today, celebrating the birthday of the United Nations Organization in Arusha, Tanzania is itself a living indication of the relevance of the UN.

Membership of the UN is exclusive to states. But the Organization's real stakeholders are the citizens of the world. It is not for nothing that the Charter was adopted in the name of "we the peoples of the United Nations". The organization will strengthen and grow if its real stakeholders, the citizens of the world, play an active role in its protection and promotion. The work of further refining the norms and procedures, especially in the area of international criminal justice, falls within our ambit here at the UN International Criminal Tribunal for Rwanda. Along with our counterparts at the ICTY and other Tribunals in Sierra Leone and Cambodia, we are indeed fortunate to be part of the global effort towards peace, justice and reconciliation in Rwanda after the genocide and in other post conflict situations. Justice today is indeed the foundation for peace tomorrow. Our work is centrally based in the international norms and laws established for the promotion of the rule of law by the United Nations. You will learn more about our work here from the briefings and shows which have been arranged for you.

This Tribunal will soon complete its work and close down by the end of 2010 as provided for in our Completion Strategy. We shall do so with the hope and expectation that through our work we shall leave a sound and lasting legacy for justice and peace in the world. The early legacy of the ad hoc Tribunals is already the formation of the International Criminal Court which we all hope will soon expand in scope and become more universal.

Our challenge, both as the staff and members of the ICTR as well as the citizens of Rwanda and Tanzania



and indeed Africa, is to ensure that the ICTR and the other Tribunals does leave a lasting positive legacy. We must as individuals, and collectively as well, strive to ensure that good governance based on respect for the rule of law, for human rights with independent and effective judicial mechanisms prevails in all our countries over arbitrariness, lawlessness and dictatorship. The rule of law nationally and internationally is the bedrock for justice and for peace. It is the bulwark against these massive violations of human rights which in the case of Rwanda accounts for our work here in Arusha.

Global virtue is reflected in practice and we must resolve to promote good governance and social, economic as well as political justice within our respective countries as we continue to push for global virtue on a global scale through the United Nations Organization.

We live in challenging times where life for some has never been better and for others, perhaps could still be better. There are more young people in the world than older ones, and the population is increasing. The challenges are enormous. Our faith in a better world must also equal this demand. The work of the ICTR and other Tribunals will, we believe, impact far beyond the demands and needs of the individual countries to meeting the insatiable individual desire worldwide for justice and for peace.

I thank you for your attention.

Statement by the Registrar of the ICTR, Mr. Adama Dieng,

Your Excellency Mr. Samuel Ndoma, Regional Commissioner for Arusha,
Honourable Judge Erik Møse, President of the Tribunal,
Justice Hassan Bubacar Jallow, Prosecutor,
Mr. Hudson Mbunya, President of the ICTR Staff Association
Distinguished Guests
Ladies and Gentlemen,

I am most delighted to welcome you all to this august gathering marking the commemoration of the 61st anniversary of the creation of the United Nations Organization. ICTR, as an organization of the United Nations, is highly privileged to be actively involved in the fulfillment and implementation of the great ideals and goals that gave birth to this World body.

It is also my pleasure to congratulate all and sundry for your commitment towards ensuring that international justice and the rule of law are upheld through your immeasurable contributions to the achievements of the Tribunal so far.

The United Nations as an organization committed to the pursuit and maintenance of global peace and security has achieved some milestones since its inception. The Secretary-General Mr. Kofi Annan has highlighted the more recent of these achievements in his message and I quote him that:

“At last, the world is scaling up its response to HIV/AIDS,

There are fewer wars between States than there used to be; and many civil wars have ended,

More Governments are elected by, and accountable to, the people whom they govern,

And all States have acknowledged, at least in words, their responsibility to protect people from genocide, war crimes, ethnic cleansing and crimes against humanity.”

However as the Secretary-General again underscores, there is so much that still needs to be done especially in terms of bridging the gap between the rich and the poor and saving humanity from gruesome atrocities, repression, and brutal conflicts. These are all global and persistent challenges requiring solutions, the implementation of which must be part of our daily living and the collective effort of the global village of our times.

Bearing all these challenges in mind and the Tribunal's completion mandate as established by the Security Council, one would enjoin all to reflect on what actually brought all of us to this Tribunal and to this beautiful country, Tanzania...which is the 1994 genocide in Rwanda. As cruel as it must have been for the 800,000 persons who were killed and their families, the Rwandan genocide and the creation of the Tribunal in pursuit of the key perpetrators of the genocide has fostered awareness against impunity and ushered a new culture of accountability in the region based on the Tribunal's work in developing new jurisprudence and new standards in the application of international criminal law. Our legacy in this area and hence in contribution to global peace and security is something we must always strive to consolidate even long after we have left Arusha.

The attainment of peace today has become interlinked with the ability to eradicate poverty, illiteracy, disease, and ethnic conflicts to mention but a few of the ailments that continue to plague our societies.

The attainment of justice on the other hand could be seen as the even handedness with which Governments, decision-makers and other key players in society provide the means to their citizenry to access the vital components of peace as described earlier. In this context, the mandate of this Tribunal and its legacy bear a great symbolism in the quest for equality, development and peace not only for Rwanda and the neighbouring States but for mankind in general. It is therefore paramount as we attain the completion phase of our work that we all make a collective effort in ensuring that our mandate is not only achieved but that more nations in the international community come, through our achievements, to accept justice and the rule of law as priority components of the culture of democracy and good governance.

Ladies and Gentlemen, permit me to congratulate His Excellency Mr. Ban Ki Moon on his new appointment



as the successor of Mr. Kofi Annan, who shall be leaving office as Secretary-General of the United Nations on 31 December 2006 after tenure of ten meritorious years of service to the World. I would like to add my voice to that of the many who wish Mr. Annan well and a very restful and enjoyable retirement.

I would also like to congratulate the organizers of today's event and to thank you all for your attention.

I wish you a happy UN DAY.

• **UN Day in Dar**

The Acting Deputy Registrar, Mr. Everard O'Donnell represented the ICTR at the 61st UN Day celebrations and flag raising ceremony in Dar es Salaam on 26 October 2006. This was part of his official mission to Tanzania's capital where he travelled to meet with high level government officials on the urgent issue of the acquitted persons.

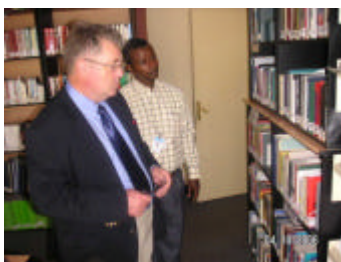
The UN Day flag raising ceremony, held at the Karimjee Hall, was opened by the Minister of Foreign Affairs and International Cooperation, Ms Asha-Rose Migiro, and attended by the Heads of the UN Agencies in Tanzania. After the ceremony, the general public were able to view displays of the work of the various United Nations Agencies in Tanzania, including the ICTR.

Mr. O'donnell met with key staff of the UNHCR, the Deputy Minister of Home Affairs, and members of the Ministry of Foreign Affairs and International Cooperation to discuss the situation of ICTR acquitted persons. He also conducted several interviews with both national and international media on the work of the ICTR. He stressed that the matter of the acquitted persons raised human rights concerns which the international community needed to address.

ICTR in Rwanda

• **ICTR Ag. Deputy Registrar Visits Umusanzu Centre**

The Ag. Deputy Registrar and Spokesperson of the International Criminal Tribunal for Rwanda (ICTR), Mr Everard O'Donnell, visited the Tribunal's Information Centre, *Umusanzu Centre* in Kigali on Wednesday 4 October 2006.



Upon his arrival he was taken around the Centre and was briefed on the activities that take place there. In the main Library. Mr. O'Donnell was impressed by the vast collection of books that include information on

International Justice, Law and Human Rights.

Speaking during the visit, the Deputy Registrar

thanked the Staff of Umusanzu Centre for their efforts in transforming the facility into an effective information centre that has been and continues to be instrumental in disseminating Tribunal information to the Rwandan public.

He added that the role of Umusanzu in the Implementation of the Tribunal's Outreach Programme has been significant especially at this moment when the Tribunal has started the process of winding up. He was happy to note that in addition to the information material sent from Arusha, there was other material acquired through the efforts of the staff members.

Mr. O'Donnell later met the Rwandan press where he updated them on the current status of the work at the Tribunal, matters related to Tribunal's Completion Strategy and the current developments as regards the relationship between the ICTR and the Government of Rwanda.

• **Awareness raising workshops end with Western Rwanda**

The 2006 Outreach Awareness Raising Workshops' Programme ended with a provincial workshop held on 12 October 2006 in Rusizi District of Western Province in Rwanda.

The activity was conducted from 10-12 October 2006 by the staff of Umusanzu Information Centre and was attended by residents from the area.

Speaking during the opening ceremony, Gilbert Rukazambuga, one of the officials from the District Administration, thanked the ICTR for its initiative in informing the Rwandan public about the activities of the Tribunal. He pointed out to the residents that this was an opportunity for them to understand the work of the UN Court and its contribution to the unity and reconciliation of Rwandans.

At the same function Charles Kamuru, the Tribunal's Information Assistant in Kigali, thanked the District Administration for hosting the Umusanzu Staff and the support offered in organizing the workshop. He told the participants that the workshop was an opportunity for the people of Rusizi District to have an understanding of and confidence in the work of the Tribunal that was set up to bring to justice those responsible for the crimes committed during the Rwandan genocide of 1994.



The workshop consisted of an exhibition of ICTR Posters, presentation of the ICTR (mission, structure and achievements), screening of documentaries of case trials and judgements

and distribution of various Tribunal publications.

The Workshop followed similar ones that took place



previously in the Northern and Eastern Provinces of Rwanda.

Staff attend UN Celebrations in Kigali

Staff members of the United Nations International Criminal Tribunal for Rwanda (ICTR), on 24 October 2006 joined their colleagues from other UN Agencies to celebrate the United Nations day in Kigali. The function was organized by the United Nations Development Programme (UNDP) in Rwanda in the main compound of the United Nations World Food Programme offices in Kigali.

The ICTR Staff members were accompanied by the OIC, OTP, Kigali, Mr Alfred Kwende and other senior officials from the Kigali office.

Celebrations were marked with different activities including the performance of the cultural troupe from the UNHCR Refugee camp in Kigeme, Southern Rwanda, a general knowledge contest for UN staff and awarding of prizes to the winner and a visit to the Kigali Genocide Memorial Site.

During the function, Mr. Mostapha Soumare, The Resident Coordinator of UNDP in Rwanda, read a message of the UN Day from the outgoing UN Secretary General, Mr. Kofi Annan. He urged the Staff members to work hard as a UN family.

Speaking at the Kigali genocide memorial site, Mr. Soumaré, expressed shock over the massive killings that took place in Rwanda. He pointed out that this should act as a big lesson to the world for such barbaric acts never to take place again in Rwanda and any other part of the world.

The Resident Coordinator donated US\$3000 to the memorial site on behalf of the UN.

ICTR at The Hague

Activity of the AC: October 2006

The Appeals Chamber disposed of two interlocutory appeals from the *Butare* and *Zigiranyirazo* cases as well as a request for reconsideration filed in the *Bagosora et al.* case. The Appeals Chamber also rendered decisions or orders concerning six pre-appeal matters.

The Appeals Chamber is presently deliberating on the *Ndindabahizi* appeal judgement and is preparing the *Nahimana et al.* and *Muhimana* cases for hearings in addition to pre-appeal work in the *Simba* and *Muvunyi* cases. Further, the Appeals Chamber is seized of four requests for reconsideration and/or review.

Hearing of Witness testimony by Video-Link from Brussels, Belgium to Arusha

Following the Order issued on 29 August 2006 by Trial Chamber I, composed of Judges Erik Møse (Presiding), Jai Ram Reddy and Sergei Alekseevich

Egorov, the other Registry Services Sub-Unit (ORSS-U) within the ICTR, Appeals Chamber Support Unit in The Hague has organised and covered, in coordination with the relevant Sections/Units of the ICTR and the ICTY, a hearing of a witness by video-link.

Launch of ICTY database

Upon the invitation of Judge Fausto Pocar, President of the ICTY, the OIC, ICTR/ACSU, Koffi Kumelio A. Afande has represented the Tribunal at the launch on Thursday, 19 October 2006 of the Utrecht University Law School-ICTY database designed by the Netherlands Human Rights Institute (SIM). According to President Pocar, the ICTY database is a "fine addition to the Institute's already impressive collection of databases, comprising the case law of various international supervisory organs, including the ICTR jurisprudence added in 2003". President Pocar emphasized the important contributions of the ad hoc Tribunals for the development of International Criminal and Human Rights Law and pointed out that the ICTY and the ICTR developed and effectively enforced "an entire body of international law put into place following World War II, in a manner consistent with the highest international standards of due process". He mentioned among other the landmark *Akayesu* judgement of the ICTR which has recognised for the first time rape as an element of genocide. He added that the database will increase the availability and the "proliferation" (in a positive meaning of the word) of jurisprudence of both Tribunals and contribute to "the strengthening of the rule of law and promoting future adjudication of international criminal and human rights violations." By merging the judicial documents and information of both "ICTR and ICTY" on the documentation site of the SIM <http://sim.law.uu.nl/>, the database offers a possibility of either joint or separate research of the jurisprudence of both and each of the Tribunals.

Visitors to the Tribunal during the month of October 2006

2 October 2006: Frederich Eber Stiftung (FES) (30), Rwandese Prison pastors (9)

3 October 2006: FES repeat visit

5 October 2006: John Kagarama and Beatrice Mugwanza

6 October 2006: Oldonyo Sambu School, Ms. Maureen B. Latour, Political Officer US Embassy, Ms. Rachel Meyers, US Department of State (EA)

10-12 October 2006: Training for Rwandese Court Registrars (12)

11 October 2006: UN Medical Directors training

16 October 2006: Linda Minnick, Pat Duffy, ORHM, Communication and report writing expert, Caroline Lepeu UNJSPF

17 October 2006: Utrecht University

18 October 2006: Visit by group from MS-TCDC (19)



20 October 2006: H.E. Dr. Soonchun Lee, Ambassador
Republic of Korea

27 October 2006: ICRC/IHL, Humanitarian Course

30 October 2006: State Minister H.E. Mr. Ebehard
Sinner, Bavarian State Chancery and delegation, Ms
Tromsdal Kjersti, Norwegian Embassy

Developments in the single-accused cases have also been encouraging. During the period under review, the ICTR commenced three new trials involving three accused. I have already mentioned the *Mpambara* trial, which started on 19 September 2005, and in which judgment was rendered last month. In the *Karera* trial, which began on 9 January 2006, closing arguments will be heard in November this year. The *Zigiranyirazo* trial started on 3 October 2005, and the Defence case will commence soon.

The President Addresses the UN General Assembly

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of the *École sous-officiers*, was convicted of genocide, direct and public incitement to commit genocide and crimes against humanity. He was sentenced to twenty-five years of imprisonment.

On 20 September 2006, André *Rwamakuba*, who was the Rwandan Minister of Primary and Secondary Education, was acquitted of all charges against him.

The judgments in the *Mpambara* and *Rwamakuba* trials bring the number of acquitted persons at the ICTR to five.

Madam President, the ICTR Appeals Chamber delivered one appeal judgment in respect of one accused during the period of review. Two further judgments were rendered immediately after the reporting period in respect of four other accused. The Appeals Chamber also delivered a number of significant interlocutory appeals during the reporting period or immediately thereafter.

Let me turn to the nine trials that are now in progress, involving twenty-five accused. Of these cases, our five multi-accused trials continue to represent our main challenge because of their volume, complexity and hence the time needed to complete them. It is therefore important to note that three of them are at an advanced stage.

The *Military I* case involves four alleged senior military leaders in the Rwandan Armed Forces in 1994. The trial is scheduled to conclude in 2006.

The *Butare* trial is the largest multi-accused case before the Tribunal and has progressed favourably, with the Defence case of the third of the six accused drawing to a close.

In the *Government* trial, which involves four Government ministers, the Defence case commenced on 1 November 2005 and is progressing well.

In the two other multi-accused trials, the Prosecution is presenting its evidence. The *Military II* trial, which involves four accused, is almost at the end of the Prosecution case. In the complex *Karempera et al.* case, involving three accused, the Prosecution case is well under way.

The progress made in the Tribunal's multi-accused trials represents significant steps in the implementation of the ICTR Completion Strategy.

Another welcome development is that since the submission of the annual report, two new single accused trials have started. The *Bikindi* and the *Nchamihigo* cases began on 18 September 2006 and 25 September 2006, respectively. A third new single accused case is scheduled to commence in November this year.

In addition to the fifty-six persons with on-going or completed trials, twelve detainees are awaiting the commencement of their cases. One trial will start in November 2006; another in January 2007; and the remaining cases will commence as soon as trial capacity allows.

On this basis, I am pleased to confirm that the ICTR is on schedule to complete cases involving between sixty-five and seventy accused by the end of 2008, as envisaged in our Completion Strategy.

In order to achieve this aim, continuity is of the essence. Earlier this year, the ICTR therefore requested that the term of office of the permanent judges be extended to the end of 2008, instead of proceeding with elections. This was supported by the Secretary-General. The ICTR is very grateful to the General Assembly, which on 28 June 2006 endorsed his recommendation.

More recently, the ICTR has requested a similar extension of the term of office of the *ad litem* judges. The purpose is the same - to provide the Tribunal with the continuity, stability and certainty necessary for the efficient and effective planning of trials. In his letter of 2 October 2006 to the President of the General Assembly, the Secretary-General has requested that the Assembly approve the extension of the term of office of all *ad litem* judges until the end of 2008. Approval is also requested to allow nine of the judges to serve beyond the three years cumulative period provided for under Article 12 *ter* (2) of the Statute.

The distinguished members of the General Assembly may wish to take into consideration that the cumulative three year period for two of the judges expires on 27 October 2006. Approval of this general request before this date would avoid the need of authorizing individual judges to continue serving in trials to which they are currently assigned. Allow me in this connection to express our appreciation to the Assembly for having on 29 August 2006 authorized one of the judges to continue serving for more than three years in relation to the *Butare* trial (decision 60/422 B).



Another important element of the Completion Strategy is the Prosecutor's intention to transfer some ICTR indictees to national jurisdictions for trial. Eighteen indictees are at large. The ICTR will not be able to prosecute all these accused by December 2008, should they be found. The Prosecutor is presently focusing on some of them. It is essential that Member States assist and cooperate in the arrest and transfer of accused who remain at large. One particularly well-known indictee is Felicien Kabuga. In view of the ICTR Completion Strategy, it is important that he be arrested and transferred to Arusha as soon as possible in order to determine his guilt or innocence.

In order to avoid impunity, the Member States are encouraged to be receptive to discussions concerning the possible transfer of some trials to their respective jurisdiction. The Prosecutor has been in contact with several countries. The decision as to whether a transfer shall take place is the responsibility of the Trial Chambers. A decision of principle was made in the *Bagaragaza* case, in which a Trial Chamber and the Appeals Chamber clarified the scope of the jurisdiction required in order for States to prosecute ICTR cases at the national level.

Madam President, in connection with State cooperation I would also like to recall that only one of the five acquitted persons has found a country of residence. The other four are under the protection of the Tribunal in Arusha. The situation is particularly serious for André Ntagerura and Emmanuel Bagambiki, who were acquitted by the Trial Chamber on 25 February 2004 - more than two and a half year ago. The Appeals Chamber confirmed their acquittal in July 2006. The Tribunal has without success made many attempts to find a country for them. On behalf of the Tribunal, I appeal to Member States to receive acquitted persons in their territories.

During the reporting period, Rwanda continued to co-

operate with the ICTR by facilitating the traveling of witnesses and by providing documents for use at trial, both for the Prosecution and the Defence. It is important that requests in this field are dealt with expeditiously and in a flexible way. The Tribunal expects this co-operation to continue, also if there should be issues in relation to which there may be differences of opinion between Kigali and Arusha. Some recent problems have been solved.

The Registry has continued to support the judicial process by servicing the other branches of the Tribunal. I refer to the annual report for details, but let me stress the important work done by all sections, including the various units within the Court Management Section, the Witness Protection Section, the Language Services Section, the Defence Counsel Section, and the Security Section. Let me further emphasize that the important work of the Defence teams is highly appreciated as a cornerstone in our judicial proceedings.

The ICTR Outreach Programme, which includes our Information Centre in Kigali, judicial visits to the ICTR and capacity-building for members of the Rwandan judiciary and universities, has continued to strengthen. An important part of the programme is the training of Rwandan jurists, advocates and human rights practitioners.

Madam President, I hope to have conveyed an overview of the activities in a very active Tribunal. This week, about twenty accused are brought from the Detention Facilities to our four court rooms every day. The ICTR is working at full speed.

On behalf of the Tribunal, let me conclude by expressing our deep appreciation to the General Assembly and the Secretary-General for their continued support of the ICTR."

Judicial Decisions of the ICTR between 1 October and 31 October 2006

Date	Case	Record Number	Title	TC
02/10/2006	KAREMERA ET AL	ICTR-98-44-2521	DECISION ON PROSECUTOR'S MOTION TO VARY ITS WITNESS LIST	TC 3
02/10/2006	KAREMERA ET AL	ICTR-98-44-2520	DECISION ON DEFENCE MOTION TO REPORT GOVERNMENT OF RWANDA TO UNITED NATIONS SECURITY COUNCIL	TC 3
02/10/2006	KAREMERA ET AL	ICTR-98-44-2519	DECISION ON DEFENCE MOTION TO RECONSIDER SPECIAL PROTECTIVE MEASURES GRANTED TO PROSECUTION WITNESS ADE	TC 3
04/10/2006	SIMBA	ICTR-98-41-1620/2	DECISION ON ALOYS SIMBA'S MOTION TO FILE HIS APPELLANT'S BRIEF	AC
04/10/2006	SIMBA	ICTR-98-41-1620/1	DECISION RELATIVE A LA REQUETE D'ALOYS SIMBA RELATIVE AU DEPOT DE SON MEMOIRE D'APPEL	AC
04/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1577	DECISION ON MOTION FOR RECONSIDERATION	AC
05/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1585	DECISION ON VIDEO-CONFERENCE TESTIMONY OF KABILIGI WITNESSES KX-38 AND KVB-46	TC 1



Date	Case	Record Number	Title	TC
05/10/2006	NZABIRINDA	ICTR-01-77-0109	DECISION SUR LA REQUETE EN EXTREME URGENCE DE LA DÉFENSE AUX FINS DE PRESCRIPTIONS DES MESURES DE PROTECTION DES TÉMOINS	TC 2
05/10/2006	NDAYAMBAJE	ICTR-96-8-0450	DECISION ON ELIE NDAYAMBAJE'S MOTION FOR CERTIFICATION TO APPEAL THE DECISION ON NDAYAMBAJE'S MOTION FOR EXCLUSION OF EVIDENCE ISSUED ON 1st SEPTEMBER 2006	TC 2
05/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1582/1	DECISION ON VIDEO-CONFERENCE TESTIMONY OF KABILIGI WITNESSES KX-38 AND KVB-46	TC 1
05/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1582/2	DECISION RELATIVE A LA REQUETE DE LA DEFENSE DE KABILIGI INTITULEE <<MOTION TO REQUEST THE TESTIMONY OF WITNESSES KX-38 AND KVB-46 VIA VIDEO LINK>>	TC 1
06/10/2006	NDINDILYIMANA ET AL	ICTR-97-21-0899	DECISION ON THE PROSECUTOR'S MOTION FOR SUBPOENA	TC 2
06/10/2006	NDINDILYIMANA	ICTR-00-56-0678	DECISION ON SAGAHUTU'S MOTION FOR A SITE VISIT	TC 2
06/10/2006	NDINDILYIMANA ET AL	ICTR-00-56-0679	DECISION ON THE PROSECUTOR'S MOTION FOR SUBPOENA	TC 2
06/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1591	DECISION ON NTABAKUZE MOTION FOR INFORMATION FROM THE UNHCR AND A MEETING WITH ONE OF ITS OFFICIALS	TC 1
06/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1590	DECISION ON REQUEST FOR SUBPOENAS OF UNITED NATIONS OFFICIALS	TC 1
06/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1589	DECISION ON NTABAKUZE MOTION FOR DISCLOSURE OF PROSECUTION FILES	TC 1
06/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1588	DECISION ON THE NTABAKUZE MOTION FOR DISCLOSURE OF VARIOUS CATEGORIES OF DOCUMENTS PURSUANT TO RULE 68	TC 1
06/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1587	DECISION ON REQUEST FOR COOPERATION OF THE GOVERNMENT OF FRANCE	TC 1
10/10/2006	KAREMERA ET AL	ICTR-98-44-2530	DECISION ON DEFENCE MOTION TO COMPEL BEST EFFORTS TO OBTAIN AND DISCLOSE STATEMENTS AND TESTIMONY OF WITNESS UB	TC 3
12/10/2006	KAREMERA ET AL	ICTR-98-44-2531	DECISION ON MOTION FOR DISCLOSURE OF CLOSED SESSION TRANSCRIPTS AND EXHIBITS	TC 3
13/10/2006	NZABIRINDA	ICTR-01-77-0112/2	DECISION ON THE DEFENCE MOTION FOR THE SETTING OF A DATE FOR THE COMMENCEMENT OF TRIAL AND PROVISIONAL RELEASE	TC 2
13/10/2006	NZABIRINDA	ICTR-01-77-0112/1	DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS DE FIXER LA DATE D'OUVERTURE DU PROCES DE L'ACCUSE ET D'OBTENIR SA MISE LIBERTE PROVISoire EN ATTENDANT CETTE DATE	TC 2
13/10/2006	ZIGIRANYIRAZO	ICTR-01-73-0439	DECISION ON THE PROSECUTION MOTION FOR SEVERENCE AND EXCLUSION OF PARTS OF THE PRE-DEFENCE BRIEF	TC 3
17/10/2006	ZIGIRANYIRAZO	ICTR-01-73-0460	DECISION ON THE DEFENCE MOTION PURSUANT TO RULE 98 BIS	TC 3
17/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1616	DECISION ON REQUESTS FOR DISCLOSURE AND INVESTIGATIONS CONCERNING THE ASSASSINATION OF PRESIDENT HABYARIMANA	TC 1



Date	Case	Record Number	Title	TC
17/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1615	DECISION ON CERTIFICATION OF APPEAL OF ORAL DECISIONS ON THE SCOPE OF CROSS- EXAMINATION OF JEAN KAMBANDA	TC 1
18/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1614	DECISION ON REQUEST TO HEAR TESTIMONY IN CLOSED SESSION	TC 1
18/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1617	DECISION ON KABILIGI REQUEST FOR CERTIFI- CATION TO APPEAL DECISION ON EXCLUSION OF EVIDENCE	TC 1
19/10/2006	KAREMERA ET AL	ICTR-98-44-2540	DECISION ON DEFENCE MOTION FOR DISCLO- SURE OF RPF MATERIAL AND FOR SANCTIONS AGAINST THE PROSECUTION	TC 3
19/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1618/1	DECISION ON REQUEST FOR SUBPOENA OF AMI R. MPUNGWE	TC 1
19/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1619/1	DECISION ON VIDEO-CONFERENCE TESTIMONY OF KABILIGI WITNESSES YUL-39 AND HEAR TES- TIMOBY IN CLOSED SESSION	TC 1
19/10/2006	KAREMERA ET AL	ICTR-98-44-2539	DECISION ON DEFENCE ORAL MOTION FOR EX- CLUSION OF WITNESS XBM'S TESTIMONY, FOR SANCTIONS AGAINST THE PROSECUTION AND FOR EXCLUSION OF EVIDENCE OUTSIDE THE SCOPE OF THE INDICTMENT	TC 3
19/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1618/2	DECISION RELATIVE A LA REQUETE DE THEON- ESTE BAGOSORA INTITULEE REQUEST FOR TC TO ORDER THE GOVERNMENT OF TANZANIA TO COOPERATE AND FOR SUBPOENA FOR AMBAS- SADOR MPUNGWE	TC 1
19/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1619/2	DECISION A LA REQUETE DE LA DEFENSE INTIT- ULEE <<MOTION TO REQUEST THE TESTIMONY OF WITNESSES YUL-39 AND LAX-23 TO BE HEARD VIA VIDEO-LINK AND THE ENTIRETY OF THE TESTIMONY OF WITNESS LAX -23 IN CLOSED SESSION	TC 1
20/10/2006	NDINDILYIMANA ET AL	ICTR-00-56-0688	DECISION ON THE PROSECUTION REQUEST FOR RECONSIDERATION OF THE CHAMBER'S DECI- SION OF 15 SEPTEMBER 2006 CONCERNING THE TESTIMONY OF WITNESS ROMEO DALLAIRE BY VIDEO-LINK	TC 2
20/10/2006	NDINDILYIMANA ET AL	ICTR-00-56-0687	DECISION ON NZUWONEMEYE'S MOTION TO EXCLUDE THE EXHIBITS TENDERED THROUGH ALISON DES FORGES'S TESTIMONY AND RE- LATED TO JEAN KAMBANDA	TC 2
20/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1621/1	DECISION ON BAGOSORA REQUEST FOR THE GOVERNMENT OF FRANCE TO AUTHORIZE THE APPEARANCE OF A WITNESS	TC 1
25/10/2006	KAREMERA ET AL	ICTR-98-44-2547/1	DECISION ON MOTIONS TO DISCLOSE A PROSE- CUTION WITNESS STATEMENT AND TO UNSEAL CONFIDENTIAL DOCUMENTS	TC 3
25/10/2006	NAHIMANA ET AL	ICTR-99-52-1699	DECISION ON REQUESTS FOR REVERSAL OF PROHIBITION OF CONTACT	AC
25/10/2006	RENZAHO	ICTR-97-31-0127	DECISION RELATIVE A LA DEMANDE AUX FINS DE CERTIFICATION D'APPEL DE LA DECISION DU 5 SEPTEMBRE 2006 EN VERTU DE L'ARTICLE 72 (B)	TC 2
26/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1630	FURTHER REQUEST TO THE GOVERNMENT OF RWANDA FOR COOPERATION AND ASSISTANCE	TC 1
30/10/2006	KAREMERA ET AL	ICTR-98-44-2555	DECISION ON DEFENCE MOTION FOR CERTIFI- CATION TO APPEAL THE CHAMBER'S DECISION ON NZIRORERA'S EX-PARTE MOTION FOR OR- DER FOR INTERVIEW OF DEFENCE WITNESSES NZI, NZ2 AND NZ3	TC 2
30/10/2006	NYIRAMASU- HUKO ET NTA- HOBALI	ICTR-97-21-0907	DECISION ON APPEAL OF ACCUSED ARSENE SHALOM NTAHOBALI AGAINST THE DECISION ON KANYABASHI'S ORAL MOTION TO CROSS- EXAMINE NTAHOBALI USING NTAHOBALI'S STATEMENTS TO PROSECUTION INVESTIGA- TORS IN JULY 1997	AC



Date	Case	Record Number	Title	TC
30/10/2006	KAREMERA ET AL	ICTR-98-44-2556	DECISION ON RECONSIDERATION OF PROTECTIVE MEASURES FOR PROSECUTION WITNESSES	TC 3
30/10/2006	NAHIMANA ET AL	ICTR-99-52-1702	DECISION ON JEAN-BOSCO BARAYAGWIZA'S MOTION FOR EXTENSION OF THE PAGE LIMIT TO FILE A MOTION SEEKING THE ADMISSION OF ADDITIONAL EVIDENCE	AC
30/10/2006	NAHIMANA ET AL	ICTR-99-52-1703	DECISION ON THE APPELLANT JEAN-BOSCO BARAYAGWIZA'S CORRIGENDUM MOTIONS OF 5 JULY 2006	AC
30/10/2006	NAHIMANA ET AL	ICTR-99-52-1701	DECISION ON APPELLANT JEAN-BOSCO BARAYAGWIZA'S MOTION REQUESTING THAT THE PROSECUTION DISCLOSURE OF THE INTERVIEW OF MICHEL BAGARAGAZA BE EXPUNGED FROM THE RECORD	AC
30/10/2006	ZIGIRANYIRAZO	ICTR-01-73-0475	DECISION ON INTERLOCUTORY APPEAL	TC 3
30/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1641	DECISION ON ALLEGED DEFICIENCIES IN THE KABILIGI PRE-DEFENCE BRIEF	TC 1
31/10/2006	RWAMAKUBA	ICTR-98-44C-0146	DECISION GRANTING EXTENSION OF TIME TO FILE SUBMISSIONS	TC 3
31/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1644/1	DECISION ON KABILIGI MOTION FOR COOPERATION OF THE GOVERNMENT OF FRANCE AND SUBPOENA OF FORMER OFFICERS	TC 1
31/10/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1644/2	DECISION RELATIVE A LA REQUETE DE KABILIGI INTITULEE MOTION FOR THE COOPERATION FROM THE GOVERNMENT OF FRANCE PURSUANT TO ARTICLE 28 OF THE STATUTE OF THE ICTR AND ISSUANCE OF SUBPOENAS PURSUANT TO RULE 54 OF THE RULES OF	TC 1