



# ICTR NEWSLETTER



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United Nations International Criminal Tribunal for Rwanda

## Tracking Kabuga

The Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) Hassan Bubacar Jallow, and representatives of 25 diplomatic missions in Kenya on 27 September 2006 met in Nairobi with Honourable Martha Karua, Minister of Justice, and Honourable Moses Wetangula, Assistant Minister of Foreign Affairs. Discussions focussed on the urgency in apprehending Felicien Kabuga. Mr. Kabuga is sought in connection with serious accusations related to the 1994 genocide in Rwanda in which more than 800, 000 people were killed. The ICTR has been tracking Mr. Kabuga for several years and believes he is a regular visitor to Kenya. Mr Kabuga has been



### Friends of ICTR Visit Arusha

“Friends of the ICTR”, a group of eight diplomats from Dar-es-Salaam, on 25 September 2006 held discussions at the United Nations International Criminal Tribunal for Rwanda aimed at providing support to the Tribunal. They were in Arusha for a briefing on the status of the Tribunal’s work and how the members might assist in completing that work by 2008.

Tribunal officials, including President Judge Erik Møse, the Prosecutor Mr. Hassan Bubacar Jallow and the Registrar Mr. Adama Dieng briefed the Friends about the ICTR completion strategy, relations between Rwanda and the Tribunal, ongoing investigations, tracking of indicted fugitives, referral of cases to national jurisdictions, the recruitment and retention of Tribunal staff and other issues related to

under indictment by the ICTR since 1997.

Mr. Jallow and representatives of diplomatic missions appreciated Kenya’s commitment to pursue all available leads in this case, including, through the investigation of suspected associates of Mr. Kabuga - investigation and, where appropriate, seizure of assets and provision of any records relating to the accused’s movements into and out of Kenya. We are hopeful that these efforts will soon bear fruit with the apprehension and prosecution of Mr. Kabuga before the ICTR.

Representatives of the diplomatic missions who attended the meeting were from Canada, Austria, Belgium, Cyprus, the Czech Republic, Denmark, the European Commission Delegation, Finland, France, Germany, Greece, Hungary, Italy, The Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden, the United Kingdom, Norway, Switzerland, the United States of America and Rwanda.

The Friends promised to use their influence to assist the Tribunal and to garner more support for the specific needs identified during the meeting.

The group of Ambassadors included: H.E. Jorunn Maehlum, Ambassador of Norway; H.E. Dr Andrew McAlister, High Commissioner of Canada; H.E. Peter Maddens, Ambassador of Belgium; H.E. Emmanuelle D’Achon, Ambassador of France; H.E. Philip Parham, High Commissioner of the United Kingdom; H.E. Michael Retzer, Ambassador of the United States of America; H.E. Wolfgang Ringe, Ambassador of Germany and H.E.



H.E. Dr Andrew McAlister, High Commissioner of Canada, H.E. Emmanuelle D’Achon, Ambassador of France and H.E. Jorunn Maehlum, Ambassador of Norway

Karel van-Kersteren, Ambassador of The Netherlands.

The one-day visit is part of regular meetings which are held between the Tribunal and the “Friends of the ICTR.”

### Callixte Gakwaya Released

Defence Counsel Callixte Gakwaya, Lead Counsel for the accused Yusuf Munyakasi, was released by Tanzanian police on Tuesday morning, 5 September 2006. Mr Gakwaya was arrested on Friday 1 September 2006

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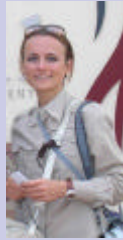
From left to right: H.E. Philip Parham, High Commissioner of the United Kingdom, H.E. Peter Maddens, Ambassador of Belgium, H.E. Wolfgang Ringe, Ambassador of Germany, H.E. Karel van-Kersteren, Ambassador of The Netherlands and H.E. Michael Retzer, Ambassador of the United States of America



## Viewpoint: Breaking “Old” News in Rwanda and at the ICTR by

Gabriela Preda

[Gabriela is an Italian Journalist who spent 2 weeks in Tanzania and Kenya and visited the Tribunal. She is an International Press Correspondent and member of the International Federation of Journalists ]



Breaking old news in Rwanda...visiting Kigali and the International Criminal Tribunal for Rwanda feels like parachuting into an abyss 12 years after the genocide. It makes me reflect once more on our responsibility as journalists in keeping post-conflict stories on the international news agenda, as to monitor reconstruction and to make sure an event like the Rwandan tragedy does not become a “mark in the sand”.

In the past weeks, I spent many days both in Rwanda and at the UN court established in the Tanzanian town of Arusha, observing the Tribunal's work and interviewing key people. I'm not sure though anyone can completely, consciously understand what drove the '94 atrocities. Not even after more than a decade. What was painfully clear to me after just a couple of days “on the field” was the devastating emotional impact of genocide even now, long after the effective end of the massacres. The magnitude and speed of the violence that reached every corner of this beautiful tiny African country seems too unfathomable ... but one cannot really see properly the “open scars”, until standing on the Rwandan soil or attending some proceeding of the UN court mandated to judge those involved in the killings at senior level.

It is now more than a month since I first stepped foot in Kigali. I can still recall that as we snaked our way through some villages in search of the remote genocide sites, I tried to imagine the sheer intensity of the fear one must face as a target of such hatred with nowhere to escape and no one to help. Not only in Rwanda, but also in other parts of the world affected by conflicts. Darfuri women and children in Sudan flashed before my eyes, racing barefoot across a desert with scarcely a tree for shade, and no protection from attackers bent on their destruction.

It was in those moments, that I have actually realized once more that history was meant to repeat itself given the “information gaps” in the 24-hour global coverage of world events that has arguably made it more difficult for journalists to remain true to the deontology of their profession.

A fellow international journalist I met in Arusha says that I am asking too many questions to myself and that it is inevitable for the Rwandan story to slip down the news agendas as we are talking about a tragedy that happened 12 years ago. *“There are other big stories going on in the world as we are all traumatised these days”,* he says. *“From a bad day in the office to the break-up of a relationship to 9/11 itself or to the tsunamis the language of trauma has made its way into every corner of our daily discourse,..not to mention that no self-respecting journalist gets through an account of pretty much anything without qualifying it as, in some way, traumatic”,* he says.

Somehow, these explanations that account for the presumed communicators' innate habit of applying “double standards” are not convincing me. I hope that the story on winning the war by winning the peace could become one day a century scoop.

## Gakwaya Released

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and transferred immediately to the custody of the Central Police Station in Arusha. Circumstances of the arrest and conditions of the release have not been communicated to the Tribunal. However it has come to the attention of the ICTR that Mr Gakwaya was only released after undertakings were made by private persons to the Tanzanian police.

As soon as the Registrar of the International Criminal Tribunal for Rwanda, Mr Adama Dieng was informed of the arrest, he expressed his strong concern to the Tanzanian authorities by reminding them of the agreement signed between the United Nations and the United Republic of Tanzania which provides for certain immunities in respect of Counsel admitted to represent those accused before the Tribunal. In particular, the Agreement required that Counsel “*shall not be subjected to any measure which may affect the free and independent exercise of his or her functions under the Statute.*” Mr. Gakwaya was present in Tanzania in his official capacity as Counsel for an accused.

## ICTR Judicial Activities

- **Tharcisse Muvunyi Sentenced to 25 Years Imprisonment**

Trial Chamber II of the International Criminal Tribunal for Rwanda on 12 September 2006 found Lieutenant Colonel Tharcisse Muvunyi the former Commander of the Rwandan military school, Ecole des Sous-officiers (ESO), guilty of genocide and crimes against humanity (other inhumane acts). Meanwhile, the Trial Chamber found him not guilty of crimes against humanity (rape) and dismissed the alternative charge of complicity in genocide, and sentenced him to 25 years of imprisonment. The Chamber also ruled that the accused shall receive credit for time served since his arrest on 5 February 2000.



For purposes of sentencing the accused, the Chamber composed of Judges Asoka de Silva presiding, Flavia Lattanzi and Florence Rita Arrey considered as aggravating factors: the ethnic separation and subsequent killing of orphan children at the Groupe scolaire by soldiers under the command of the Accused in collaboration with civilian militia; the fact that the Accused chastised the bourgmestre of Nyakizu Commune for hiding a Tutsi man and that pursuant to his instructions, the said man was produced and killed by an armed Hutu mob.

As mitigating factors the Chamber has considered: the good character of the Accused prior to 1994; his position as a husband and father of three children; and the fact that he spent most of his life working for the



defence of his country; many witnesses portrayed the Accused as a highly respected individual and devoted worshipper. The chamber has heard evidence indicating that prior to 1994 the accused never discriminated against anyone on the basis of ethnicity.

In its Judgment, the Chamber said that the Accused had reason to know about the attacks perpetrated in his commune. Despite his superior military position over the said soldiers, he failed to do anything to prevent the attack or punish the soldiers' murderous conduct.

The Chamber also held that the Prosecution had proved beyond reasonable doubt that in May 1994, Muvunyi addressed a public meeting attended by about one thousand mainly Hutu. During his speech, the Accused called for the killing of Tutsis, the destruction of Tutsi property, associated Tutsis with the enemy, and denigrated Tutsi people by referring to them as snakes. The Chamber was therefore satisfied that Muvunyi's audience understood his words. The Chamber found the Accused, Tharcisse Muvunyi, guilty of direct and public incitement to commit genocide.

The Chamber dismissed the charge of rape as crimes against humanity because the witnesses called by the Prosecution attributed the rapes to soldiers of ESO yet the specific charges in the indictment referred to rapes committed by soldiers from the Ngoma camp and Interahamwe.

For the crimes against humanity (other inhumane acts) for which Muvunyi was found guilty, the Chamber was satisfied that the Accused had reason to know about the attacks and mistreatment of Tutsi civilians by his subordinates and that he failed to take the necessary and reasonable measures to prevent or punish their conduct.

Tharcisse Muvunyi (53) was arrested in the United Kingdom on 5 February 2000 and transferred to the UN Detention Facility in Arusha, Tanzania on 30 October 2000. He made his initial appearance at the Tribunal on 8 November 2000 and pleaded not guilty to all charges against him.

• **Jean Mpambara Not Guilty on all Charges**



Trial Chamber I of the International Criminal Tribunal for Rwanda on 12 September 2006 acquitted Jean Mpambara, the former bourgmestre of Rukara Commune in Kibungo Prefecture, of all charges brought against him.

Mpambara was charged with genocide and extermination for his alleged involvement in attacks at three different locations in his Commune. He was not alleged to have killed anyone himself, but the Indictment charges that he had instigated and supported the attacks. In legal terms, this assistance was characterized as aiding and abetting, and participating in a joint criminal enterprise.

The Chamber found that the evidence did not prove beyond a reasonable doubt that Mpambara ever instigated or positively assisted the attackers. The testimony of those incidents was, with one exception, uncorroborated and undermined by significant credibility issues. Furthermore, the Chamber heard extensive testimony from Defence witnesses, some of whom were Tutsis or resident expatriates, that the Accused had publicly opposed the violence and that he did all he could with the limited resources at his disposal to deter the attacks. Evidence was also heard that while fleeing Rwanda with other refugees in mid-April, Mpambara issued identity cards marked "Hutu" to Tutsis so that they could pass through roadblocks unmolested.

The Prosecution alleged that the inaction of the Accused on certain occasions proved that he was in league with the attackers. Mpambara testified that his inaction was due, rather to a lack of resources in the face of increasingly well-armed and numerous attackers. The Chamber found that the inaction of the Accused on those occasions did not show that he was a participant in a joint criminal enterprise, or that he had aided and abetted the attackers. In fact, the Chamber heard significant evidence suggesting that Mpambara had made efforts to prevent the violence and that his resources were limited.

As the trial progressed, the Prosecution made clear that it wished to hold the Accused liable not only for aiding and abetting and joint criminal enterprise, but also for failing to prevent or punish others for committing crimes. The Chamber, by a majority, held that the Prosecution had not properly pleaded this charge, even assuming that it stated a cognizable form of criminal liability.

The Chamber ordered the immediate release of Mr. Mpambara.

Jean Mpambara was arrested in northern Tanzania on 20 June 2001 and charged with genocide. The Indictment was later amended to add charges of complicity in genocide as an alternative count to genocide, and extermination. The Accused pleaded not guilty to all counts. The trial commenced on 19 September 2005. The Prosecution called ten witnesses over eight trial days and the Defence called sixteen witnesses over twenty trials days. Closing arguments were heard on 2 and 3 May 2006.

The Trial Chamber I was composed of Jai Ram Reddy, presiding; Judge Sergei Alekseevich Egorov; and Judge Flavia Lattanzi.

• **André Rwamakuba Not Guilty on all Charges**

Trial Chamber III of the International Criminal Tribunal for Rwanda on 20 September 2006 unanimously acquitted André Rwamakuba, the former Minister of Primary and Secondary Education in the 1994 Interim Government, of all charges brought against him.





Rwamakuba was charged with genocide, or alternatively, complicity in genocide, and extermination and murder as crimes against humanity for specific acts allegedly committed between 6 and 30 April 1994 in Gikomero commune and at Butare University Hospital. The Accused pleaded not guilty to all counts. His Defence did admit that genocide occurred in Rwanda in 1994 and that massacres were committed in these locations but disputed the Accused's involvement in any of the crimes alleged in the Indictment.

In its Judgement, the Chamber found that the evidence did not prove beyond a reasonable doubt the charges against Rwamakuba. The Chamber was convinced that the testimony of Prosecution witnesses was mainly indirect and hearsay evidence and undermined by significant credibility and reliability issues. Furthermore, the Chamber heard testimony from Defence witnesses, including Tutsis survivors, that the Accused was not present at the time and location of the events and was not involved in the massacres that took place in Gikomero commune and at Butare University Hospital in April 1994.

During the course of the trial, the Prosecution invited the Chamber to hold the Accused, as a member of the Interim Government, liable for failing to denounce the crimes committed against the Tutsi, for not dissociating himself from the Government or for failing to discharge his duties as Minister. The Chamber found that the Prosecution had not properly pleaded this charge. It also noted that in any event, the Prosecution did not adduce any evidence as regard to what the Accused could or should have done as Minister or what he failed to do.

The Chamber composed to Judges Dennis C.M. Byron, presiding, Karin Hökberg and Gberdao Gustave Kam ordered the immediate release of Mr. Rwamakuba. The Accused was represented by David Hooper ( United Kingdom) and Andreas O'Shea ( South Africa).

André Rwamakuba was arrested in Namibia in October 1998. A first trial against him and three co-accused persons commenced in November 2003. In 2005, however, the Prosecution requested and obtained his severance and separate trial under an Amended Indictment. Between June 2005 and February 2006, the Chamber heard 18 Prosecution and 31 Defence witnesses over 78 trial days. Closing arguments were heard on 21 April 2006.

• **Nchamihigo Trial Starts**



The trial of Siméon Nchamihigo, former Deputy Prosecutor in Cyangugu Prefecture, began on 25 September 2006 before Trial Chamber III composed of Judge Charles Michael Dennis Byron (presiding), Judge Gberdao Gustave Kam and Judge Robert Fremr.

Nchamihigo who was also the Secretary for the Coalition pour la Défense de la République (CDR) in Cyangugu

Prefecture in 1994 , is charged with four counts, genocide, extermination, murder and other inhumane acts as crimes against humanity. He has pleaded not guilty to all charges on 29 June 2001 during his initial appearance.

In the prosecution's opening statement to the Chamber, Senior Trial Attorney Alphonse Van said that despite his position as a Rwandan prosecutor and judge, Nchamihigo allegedly recruited, armed and ordered the Interahamwe militia to massacre Tutsi civilians and moderates from the Hutu opposition who he considered traitors and accomplices of the Rwandan Patriotic Front.

The Prosecutor argued that Nchamihigo allegedly wore a military uniform and carried a weapon as he participated in a campaign with military and militia leaders in Cyangugu to exterminate the Tutsi. The prosecution said it will show that Nchamihigo collaborated in a joint criminal enterprise with Samuel Imanishimwe, a military commander already convicted by the Tribunal and with Yussufu Munyakazi, an alleged Interahamwe leader, who is awaiting trial.

The Prosecutor alleges that on numerous occasions in 1994, Nchamihigo distributed weapons and ordered the killing of Tutsi civilians, including a priest who was killed in his presence in May 1994 at a roadblock. Nchamihigo also allegedly rewarded members of the Interahamwe with food and beer for participating in the massacres.

The prosecution plans to call 30 witnesses to prove its case.

Nchamihigo was arrested in Arusha by Tanzanian authorities on 19 May 2001 at the request of the ICTR Prosecutor. He was transferred to the Tribunal's Detention Facility on 25 May 2001.

The accused is represented by Denis Turcotte from Canada. Turcotte said he intends to demonstrate his client's innocence.

• **Trial of Singer Bikindi Begins**

The trial of well known singer and composer of popular music, Simon Bikindi, 52, commenced on 18 September 2006 before newly composed Trial Chamber III, comprising of Judges Inés Mónica Weinberg de Roca, presiding, Florence Rita Arrey and Robert Fremr. Bikindi 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.



In his opening statement the Prosecutor, Hassan Bubacar Jallow stated that Bikindi through the lyrical content of his music, consciously and deliberately assisted in executing the plan to exterminate Tutsis. The vehicle was his music whereby the youth including members of his ballet, were mobilised to commit atrocities and join the Interahamwe. In addition it was



alleged that Bikindi was aware of the powerful messages of hate in his music and used his fame to promote hatred and death. Justice Jallow stated that Bikindi not only contributed to the atrocities through his music but partook in the extermination plan himself. It was explained that the witnesses in the case would include survivors, victims and accomplices. The Prosecution further called its first witnesses.

The accused made his initial appearance before the Tribunal on 04 April 2002.

In the amended indictment dated 15 June 2005, Bikindi was charged with six counts: 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. Bikindi has pleaded not guilty to all the counts.

The accused, who was also the director of the performance group 'Irindiro Ballet' allegedly, conspired with the political leadership of MRND to eliminate the Tutsi population. Prior to the events of April 1994, Bikindi reportedly participated in the recruitment and training of the Interahamwe militias knowing these activities were aimed at the eradication of Tutsi's.

The accused was arrested in the Netherlands on 12 July 2001 and transferred to the Tribunal's detention facility (UNDF) on 27 March 2002. The accused is represented by Wilfred Nderitu (Kenya) and Jean de Dieu Momo (Cameroon).

## Judge Robert Fremr Sworn in

Judge Robert Fremr (Czech Republic) was sworn in as *ad litem* judge at a ceremony held on 15 September 2006 at the International Criminal Tribunal for Rwanda. The ceremony was administered by the Tribunal's President, Judge Erik Møse and witnessed by the Registrar, Mr. Adama Dieng, representing the United Nations Secretary-General. Judge Fremr replaces Judge Flavia Lattanzi (Italy).



Before joining the ICTR, Judge Fremr (49) was a Judge of the Supreme Court of the Czech Republic (from 2004). Before that, he was a Judge at the High Court in Prague (Penal Section), where he served since 1989 as Judge and in 1992 became Presiding Judge. He was also the Chairman of the Appellate Panel of the High Court (Penal Section). Previously, Judge Fremr was a Judge of the Court of Appeal in Prague (Penal Section) since 1986, and a Judge of the District Court in Prague from 1983 to 1986.

Judge Fremr has also been a teacher of Criminal Law at the Faculty of Law of Charles University in Prague, and a lecturer on Human Rights at courses for judicial practitioners and judges, organized by the Judicial Academy of the Ministry of Justice of the Czech Republic.

## ICTR in Rwanda

### • ICTR Launches Awareness Workshops in Schools

As part of the 2006 Outreach Programme, the International Criminal Tribunal for Rwanda (ICTR) on September 11, 2006 launched the awareness raising campaign in schools starting with institutions located in Muhanga District of southern province in Rwanda.

The activity was conducted from 11-14 September 2006 by the Staff of Umusanzu Information Centre. The beneficiaries included three Schools; St. Joseph's Secondary School, Shyogwe college and GS Nyabikenke.



*Students listening attentively during one of the awareness workshops in Rwanda*

Speaking at the opening ceremony, Kamuru Charles, the ICTR Information Assistant in Kigali, told the participants, that the workshops were an opportunity for the students and staff members of the schools 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 1994 genocide. He added that such an understanding was essential for the young generation, as future leaders of the country, to know and understand that they have a big role to play in contributing to the national reconciliation in Rwanda.

From 18 to 20 September 2006, the workshop programme was extended to other Institutions in other regions; including Nyanza District of Southern province, where 3 schools (Ihanika SSS, EAV Mayaga and Gitarama Technical School) were covered. Umusanzu Staff Members also carried out workshops from 25-29 September 2006 in Rubavu District of Western Province covering 10 schools .



The workshops were characterized by various activities, among others; the presentation of the ICTR (mission, structure and achievements), screening of the Tribunal's documentaries and distribution of ICTR Publications).

About 10,000 students have been involved in the workshops so far.

- **Japan University Donates Books to Umusanzu Centre**



Students of Waseda University pose with staff of the Umusanzu Centre

The Hirayama Ikuo Volunteer Centre of Waseda University in Japan on 6 September 6 donated 94 books to The ICTR's Information Centre in Kigali. The Books were handed over to Mr. Innocent Kamanzi, head of Umusanzu, by Mr. Shigetsu Komine, a visiting lecturer at the Volunteer Centre who was accompanied by a group of 16 Students from the University.

Mr. Kamanzi thanked the Japanese University for their generosity. He said that this donation demonstrated how the university in particular and the Japanese people in general were keen to support the Tribunal in its work of rendering justice that is vital for the unity and reconciliation of Rwandans.

Mr. Kamanzi also explained to the visitors the work of the Centre indicating that it was set up in September 2000 to act as the flagship of the Outreach Programme in Rwanda in order to disseminate Tribunal information to the people of Rwanda.

The University is also offering support to other institutions that cater for the welfare of orphans, women, child soldiers, youths and street children.

## ICTR at The Hague

- **Activity of the Appeals Chamber**

The Appeals Chamber disposed of two interlocutory

appeals from the *Bagosora et al.* case as well a request for reconsideration filed in the *Niyitegeka* case. The Appeals Chamber also rendered decisions or orders concerning nine pre-appeal matters, including a decision on a motion for leave to submit additional evidence in the *Muhimana* case and a decision on several motions concerning restrictive measures of detention from the *Nahimana et al.* case.

The Appeals Chamber is presently deliberating on the *Ndindabahizi* appeal, the merits of which were heard in July, and is preparing the *Nahimana et al.* and *Muhimana* cases for hearings. Further, the Appeals Chamber is seized of two interlocutory appeals and five 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 Mose (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 organised, in coordination with the relevant Sections/Units of the ICTR and the ICTY, a hearing of a witness by video-link.

## Transitional Justice in Sierra Leone

A legal article authored by staff member Sigall Horovitz (ALO in Chambers), was recently published as part of a book compiling case studies of post conflict attempts at achieving justice and truth. The book, titled "Transitional Justice in the Twenty-First Century", was published by Cambridge University Press, and edited by Naomi Roht-Arriaza and Javier Mariezcurrenza.

Sigall's article is titled "Transitional Justice in Sierra Leone". It examines the potential of the Special Court of Sierra Leone to promote national transitional justice goals in Sierra Leone, such as deterrence, closure, sustainable peace, restoration of the rule of law, respect for human rights, and eradication of Sierra Leone's impunity culture.

The article describes the conflict in Sierra Leone and the background to the establishment of the transitional justice mechanisms in the country. It further elaborates on the jurisdiction, structure, enforcement capacity, and jurisprudential contribution of the Special Court. In addition, the article includes discussions on witness protection issues, the court's national relevance, and its legacy. It also specifically notes the contemporaneous existence of the Special Court and the Sierra Leone Truth and Reconciliation Commission, and addresses the contribution of such a co-existence to post-conflict justice.



## CLE Seminar

The Chambers Continuing Legal Education Committee (CLE) from 16-17 September 2006 organized a weekend colloquium on the Law of Genocide and War Crimes. Judges and Chambers legal staff gathered at Rivertrees Lodge with Professors Marco Sassòli and William Schabas to discuss these topics and how they affect the ICTR.

Marco Sassòli is Professor of International Law at the University of Geneva. Professor Sassòli previously represented the International Committee of the Red Cross (ICRC) in Geneva and in many conflict zones around the world.

William Schabas is Professor of Human Rights Law at the National University of Ireland in Galway and Director of the Irish Centre for Human Rights. He has also served as an International Member of the Sierra Leonean Truth and Reconciliation Commission, and has authored numerous works on the law of the international tribunals.

The colloquium commenced on Saturday with a seminar on the recent developments in Law of Genocide. This was followed by a seminar on the relationship between International Humanitarian Law and International Criminal Law in repressing war crimes. The day concluded with discussions on forms of criminal participation, including Complicity, Joint Criminal Enterprise, and Command Responsibility. On Sunday, the professors led a round table discussion on the relationship between international tribunals and reconciliation techniques as forms of transitional justice.



Participants at the Colloquium

The Chambers CLE Committee, chaired by Ms. Suzanne Chenault, facilitates continuing education for Chambers legal staff, and promotes dialogue between Judges, staff and invited academics on legal issues relevant to the ICTR. This colloquium was organised with the assistance of the ICTR Training Unit, headed by Mr. Jovenales Mwicigi.

## Visitors to the ICTR during the month of September 2006

1 September 2006: Sheila Porter, Law Student, 2 Italian Visitors

4 September: James Kirk, Scholar

6 September: Joint Facilitation Committee Meeting, Belgium Television Crew

8 September: Coalition for an effective African Court of Human Peoples Rights

11 September Mrs. Däubler-Gmelin, Chair, Human Rights Committee, German Parliament, Mr. Ingo Herbert, Germ Embassy, Dar es Salaam, Mr. John Makukula, University of Daresalaam, Tanzanian Peoples Defence Forces (39)

12 September: His Grace Joseph Chenoth, Apostolic Nuncio for Tanzania, His Grace Josaphat Louis Lebulu, Archbishop of Arusha

14 September: 29 Students from USIU, Len Blazeby, ICRC

15 September: 13 Students from ESAMI

19 September: 26 Students from Israel

20-21 September: Donia Pankhurst, Foreign Officer, British Embassy Dar es Salaam, Ade Fehintola, Political Officer

22 September: Fiona Falvey, Law Student, Dora Heidrich, Angieska Heidrich

25 September: ICTR Group of Friends

26-28 September: 12 students and professors from Université Libre Adventiste du Rwanda and the Rector of the Université Libre de Kigali

## Judicial Decisions of the ICTR Between 1 September and 30 September 2006

Date	Case	Record Number	Title	TC
01/09/2006	NYIRAMASUHUKO ET AL	ICTR-98-42-0621	DECISION ON NDAYAMBAJE'S MOTION FOR EXCLUSION OF EVIDENCE	TC 2
01/09/2006	KARERA	ICTR-01-74-0128	DECISION ON SITE VISIT TO RWANDA	TC 1
01/09/2006	KARERA	ICTR-01-74-0129	DECISION ON DEFENCE MOTION FOR ADDITIONAL DISCLOSURE (RULE 98)	TC 1
04/09/2006	BIKINDI	ICTR-01-72-0169	DECISION ON PROTECTIVE MEASURES FOR PROSECUTION WITNESSES	TC 3



Date	Case	Record Number	Title	TC
04/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1452	DECISION ON KABILIGI MOTION FOR EXCLUSION OF EVIDENCE	TC 1
04/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1451	DECISION ON KABILIGI MOTION FOR THE EXCLUSION OF PORTIONS OF TESTIMONY OF PROSECUTION WITNESS ALISON DES FORGES	TC 1
05/09/2006	NDAYAMBAJE	ICTR-96-8-0144/2	DECISION FAISANT SUITE A L' EXAMEN DE L' ACTE D' ACCUSATION	TC 2
05/09/2006	RENZAHO	ICTR-97-31-0121/2	DECISION ON PRELIMINARY MOTION ON DEFECTS IN THE FORM OF THE INDICTMENT	TC 2
05/09/2006	RENZAHO	ICTR-97-31-0121/1	DECISION SUR LA REQUETE EN EXCEPTION PREJUDICIELLE POUR VICES DE FORME DE L'ACTE D'ACCUSATION	TC 2
05/09/2006	NYIRAMASUHUKE ET AL	ICTR-97-29-0426/1	DECISION ON SYLVAIN NSABIMANA'S EXTREMELY URGENT MOTION TO RECONSIDER THE DECISION.....	TC 2
05/09/2006	NYIRAMASUHUKE ET AL	ICTR-97-29-0426/2	DECISION RELATIVE A LA REQUETE EN EXTREME URGENCE DE SYLVAIN NSABIMANA AUX FINS DE RECONSIDERATION.	TC 2
05/09/2006	NYIRAMASUHUKE ET AL	ICTR-98-42-0620	DECISION ON THE PROSECUTOR'S URGENT MOTION TO COMPEL COMPLIANCE WITH THE TC 'S DECISION OF 17 AUGUST 2006	TC 2
11/09/2006	MUHIMANA	ICTR-95-1B-0214	DECISION ON THE APPELLANT'S MOTION TO NOTE THE FAILURE TO FILE THE RESPONDENT'S BRIEF WITHIN THE PRESCRIBED TIME LIMIT	TC 3
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1460/2	DECISION RELATIVE A LA REQUETE FORMEE PAR NTABAKUZE EN VERTU DE L'ARTICLE 28 DU STATUT ET A LA DEPOSITION DU COLONEL DE SAINT-QUENTIN PAR VOIE DE VIDEO CONFERENCE EN APPLICATION DE L'ARTICLE 54 DU REGLEMENT	TC 1
11/09/2006	BIZIMUNGU ET AL	ICTR-99-50-1556	DECISION ON CASIMIR BIZIMUNGU'S CONFIDENTIAL MOTION REQUESTING THE CHAMBER TO HEAR EXPERT WITNESS HELMUT STRIZEK IN THE HAGUE OR ALTERNATIVELY TO AUTHORISE TESTIMONY BY VIDEO-LINK RULE 54 AND 90 (A) OF THE RULES OF PROCEDURE AND EVIDENCE	TC 2
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1461	DECISION ON THE NSENGIYUMVA MOTION TO ADD SIX WITNESSES TO ITS WITNESS LIST	TC 1
11/09/2006	MPAMBARA	ICTR-01-65-0143/1	JUDGEMENT	TC 1
11/09/2006	BIZIMUNGU ET AL	ICTR-99-50-1555	DECISION ON CASIMIR BIZIMUNGU'S MOTION FOR PERMISSION TO CONVEY PROTECTED INFORMATION TO DEFENCE EXPERTS (RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1462	DECISION ON BAGOSORA MOTION TO MODIFY ITS WITNESS LIST	TC 1
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1458	DECISION ON SEVERANCE OR EXCLUSION OF EVIDENCE BASED ON PREJUDICE ARISING FROM THE TESTIMONY OF JEAN KAMBANDA	TC 1
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1459	DECISION ON REQUEST FOR SUBPOENA	TC 1
11/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1460/1	DECISION ON NTABAKUZE MOTION UNDER ARTICLE 28 AND FOR VIDEO-CONFERENCE TESTIMONY UNER RULE 54 OF COLONEL de ST. QUENTIN	TC 1
12/09/2006	NAHIMANA ET AL	ICTR-99-52-1676	DECISION SUR LA REQUETE DE FERDINAND NAHIMANA AUX FINS DE COMMUNICATION D'ELEMENTS DE PREUVE DISCULPATOIRES ET D'INVESTIGATIONS SUR L'ORIGINE ET LE CONTENU DE LA PIECE A CONVICTION P 105	AC
12/09/2006	MUVUNYI	ICTR-00-55A-0265	JUDGEMENT AND SENTENCE	TC 2
12/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1443/2	DECISION ON NSENGIYUMVA MOTION FOR WITNESS HIGANIRO TO TESTIFY BY VIDEO-CONFERENCE	TC 1





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13/09/2006	NCHAMIHIGO	ICTR-01-63-0127	DECISION ON REQUEST FOR CERTIFICATION OF APPEAL ON TC 1'S DECISION GRANTING LEAVE TO AMEND THE INDICTMENT	TC 3
13/09/2006	KAREMERA ET AL	ICTR-98-44-2491	DECISION ACCORDANT UNE PROROGATION DE DELAI DE REPOSE A DEUX REQUETES DU PROCUREUR ET ORDONNANT LA COMMUNICATION DE DOCUMENTS CERTIFIES CORNFORMES	TC 3
14/09/2006	BIKINDI	ICTR-01-72-0180	DECISION ON TRANSFER OF DETAINED WITNESSES AND PROTECTIVE MEASURES FOR PROSECUTION WITNESSES	TC 3
14/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1467	DECISION ON KABILIGI MOTION FOR EXCLUSION OF TESTIMONY OF WITNESS XAI	TC 1
15/09/2006	NDINDILYIMANA ET AL	ICTR-00-56-0663	DECISION ON THE PROSECUTION REQUEST FOR WITNESS ROMEO DALLAIRE TO GIVE TESTIMONY BY VIDEO-LINK	TC 2
15/09/2006	NYIRAMASUHUKE ET AL	ICTR-98-42-0625	DECISION ON NTAHOBALI'S MOTION TO ADMIT KANYABASHI'S CUSTODIAL STATEMENTS	TC 2
15/09/2006	NYIRAMASUHUKE ET AL	ICTR-97-29-0893	DECISION ON NSABIMANA'S MOTION TO ADMIT THE WRITTEN STATEMENT OF WITNESS JAMI IN LIEU OF ORAL TESTIMONY PURSUANT TO RULE 92bis	TC 2
15/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1477	DECISION ON NSENGIYUMVA MOTION FOR EXCLUSION OF EVIDENCE OUTSIDE THE SCOPE OF THE INDICTMENT	TC 1
17/09/2006	MPAMBARA	ICTR-01-65-0143/2	OPINION INDIVIDUELLE DU JUGE LATTANZI	TC 1
18/09/2006	SIMBA	ICTR-01-76-0498	DECISION ON DEFENCE MOTION FOR EXTENSION OF TIME TO REPLY TO THE PROSECUTOR'S RESPONSE TO A MOTION FOR REVIEW	AC
18/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1475	DECISION ON ALOYS NTABAKUZE'S INTERLOCUTORY APPEAL ON QUESTIONS OF LAW RAISED BY THE 29 JUNE 2006 TC 1 DECISION ON MOTION FOR EXCLUSION OF EVIDENCE	AC
18/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1478	DECISION ON DISCLOSURE OF CLOSED SESSION TESTIMONY OF WITNESS PBB	TC 1
18/09/2006	MUNYAKAZI	ICTR-97-36A-0012	DECISION ON WITHDRAWAL OF THE ASSIGNMENT OF MR. CALLIXTE GAKWAYA, LEAD COUNSEL FOR THE ACCUSED PERSON, MR. YUSSUF MUNYAKAZI	TC 1
19/09/2006	NYIRAMASUHUKE ET AL	ICTR-98-42-0626	DECISION ON PAULINE NYIRAMASUHUKE'S EXTREMELY URGENT MOTION FOR EXCLUSION OF EVIDENCE OR SUBSIDIARILY FOR FURTHER DISCLOSURE REGARDING WITNESS DEDE'S EXPECTED TESTIMONY	TC 2
20/09/2006	RWAMAKUBA	ICTR-98-44C-0143	JUDGEMENT	TC 3
20/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1480/1	MODALITIES FOR PRESENTATION OF A WITNESS	TC 1
20/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1480/2	DECISION FIXANT LES MODALITES DE COMPARUTION D'UN TEMOIN	TC 1
21/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1484/1	DECISION ON REQUEST TO THE KINGDOM OF BELGIUM FOR ASSISTANCE PURSUANT TO ARTICLE 28 OF THE STATUTE	TC 1
21/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1484/2	DECISION RELATIVE A LA DEMANDE TENDANT A OBTENIR L'ASSISTANCE DU ROYAUME DE Belgique EN VERTU DE L'ARTICLE 28 DU STATUT	TC 1
22/09/2006	BIZIMUNGU ET AL	ICTR-99-50-1558	DECISION ON PROSECUTOR'S MOTION FOR JUDICIAL NOTICE RULE 94(A) OF THE RULES	TC 2
25/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1564	DECISION ON INTERLOCUTORY APPEAL RELATING TO DISCLOSURE UNDER RULE 66 (B) OF THE TRIBUNAL'S RULES OF PROCEDURE AND EVIDENCE	AC



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25/09/2006	BIZIMUNGU ET AL	ICTR-99-50-1559	DECISION ON CASIMIR BIZIMUNGU'S REQUESTS FOR DISCLOSURE OF THE BRUGUIERE REPORT AND THE COOPERATION OF FRANCE (ARTICLE 28 OF THE STATUTE AND RULE 68 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
25/09/2006	MUHIMANA	ICTR-95-1B-0215	DECISION ON APPELLANT'S MOTION TO PRESENT ADDITIONAL EVIDENCE	TC 3
26/09/2006	[MILITARY I] BAGOSORA ET AL	ICTR-98-41-1563	DECISION ON DISCLOSURE OF CLOSED SESSION TESTIMONY OF WITNESS FMB	TC 1
27/09/2006	NDINDILYIMANA ET AL	ICTR-00-56-0669	DECISION ON NSENGIYUMVA'S EXTREMELY URGENT AND CONFIDENTIAL MOTION FOR DISCLOSURE OF CLOSED SESSION TESTIMONY OF WITNESS DO AND HIS UNREDACTED STATEMENTS AND EXHIBITS.	TC 2
27/09/2006	NIYITEGEKA	ICTR-96-14-0398	DECISION ON REQUEST FOR RECONSIDERATION OF THE DECISION ON REQUEST FOR REVIEW	AC
27/09/2006	NCHAMIHIGO	ICTR-01-63-0137	DECISION ON DEFENCE MOTION ON DEFECTS IN THE FORM OF THE INDICTMENT	TC 3
27/09/2006	KAREMERA ET AL	ICTR-98-44-2510	DECISION ACCORDANT UNE PROROGATION DE DELAI DE REPOSE A DEUX REQUETES DU PROCUREUR	TC 3
28/09/2006	BIZIMUNGU ET AL	ICTR-99-50-1561	DECISION ON PROSPER MUGIRANEZA'S MOTION FOR RECORDS OF ALL PAYMENTS MADE DIRECTLY OR INDIRECTLY TO WITNESS D (RULE 68 OF THE RULES OF PROCEDURE AND EVIDENCE)	TC 2
28/09/2006	RUKUNDO	ICTR-01-70-0210	DECISION ON THE PROSECUTOR'S REQUEST FOR LEAVE TO FILE AN AMENDED INDICTMENT	TC 2
28/09/2006	KAREMERTA ET AL	ICTR-98-44-2511	DECISION AMENDING THE CHAMBER'S PRIOR ORDER FOR THE TRANSFER OF A PROSECUTION WITNESS FROM RWANDA	TC 3
29/09/2006	KALIMANZIRA	ICTR-05-88-0010	DECISION DE RETRAIT DE LA COMMISSION D'OFFICE DE MAITRE PIERRE SCHILLEWAERT A TITRE DE CONSEIL PRINCIPAL DE CALLIXTE KALIMANZIRA	TC 3