



ICTR Newsletter

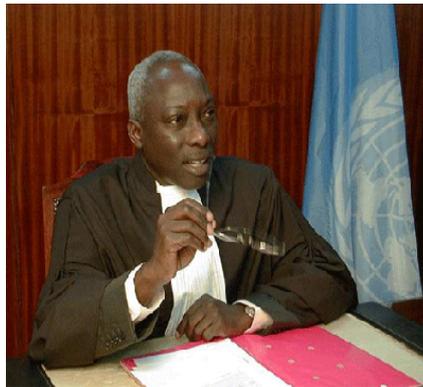
Published by the Communication Cluster—ERSPS, Immediate Office of the Registrar
United Nations International Criminal Tribunal for Rwanda

JULY– AUGUST 2012

ICTR Registrar Adama Dieng Appointed UN Secretary-General’s Special Adviser on the Prevention of Genocide

The Secretary-General of the United Nations Mr. Ban Ki-moon in July appointed Mr. Adama Dieng of Senegal, who was serving as Registrar of the UN International Criminal Tribunal for Rwanda (ICTR), as his Special Adviser on the Prevention of Genocide. The appointment was announced on 17th July 2012 in New York.

Mr. Dieng replaces Francis Deng of Sudan, who has served in the post since 2007.



Mr Adama Dieng new Special Adviser on the prevention of genocide

The Office of the Secretary-General’s Special Adviser on the Prevention of Genocide was set up in 2004 in recognition of the international community’s collective failure to prevent or stop past genocides. It is tasked by the Security Council with collecting and assessing information on situations that might lead to genocide.

The said Office is also mandated to advise the Secretary-General and, through him, the Security Council, and make recommendations to prevent or halt genocide, as well as to liaise with the UN system on preventive measures and enhance the UN’s capacity to analyze and manage information on genocide or related crimes.

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Editor-in-Chief: *Roland Amoussouga*

Associate Editor: *Danford Mpumilwa*

Editorial Committee Members: *Sarah Kilemi, Cheick Bangoura, Iyane Sow, Anees Ahmed, Roman Boed.*

Editing/Layout/Design/Photos:

Diana Jura, Rachael Muiruri

Contributions: *Danford Mpumilwa, Charles Kamuru, Roman Boed.*

E-Mail: ictr-press@un.org

As a legal and human rights expert, Mr. Dieng has a distinguished career in contributing to the strengthening of rule of law, fighting impunity- and promoting capacity building in the area of judicial and democratic institutions, including through fact-finding missions, publications and media.

He has also contributed to the establishment of several non-governmental organizations in Africa. He served as Secretary-General of the International Commission of Jurists, UN Independent Expert for Haiti; and Envoy of the UN Secretary-General to Malawi. He was the driving force behind the establishment of the African Court on Human and Peoples’ Rights and the drafting of the African Union Convention on Preventing and Combating Corruption.

Mr. Dieng possesses experience in working with a number of international organizations, including the UN Educational, Scientific and Cultural Organization (UNESCO) and the Office of the High Commissioner for Human Rights (OHCHR).

Files of the three ICTR high-level fugitives Handed over to the Prosecutor of the Mechanism for International Criminal Tribunals (MICT)

The handover of the files of the three high-level fugitives - Félicien Kabuga, Protais Mpiranya and Augustin Bizimana - to the Prosecutor of the Mechanism for International Criminal Tribunals (MICT) took place on 1 August 2012 in the Office of the Prosecutor of the MICT, Justice Hassan Bubacar Jallow at ICTR in Arusha Tanzania.

Felicien Kabuga was the President of the *Comité Provisoire de la défense nationale* and President of the *Comité d’Initiative de la Radio Télévision Libre des Milles Collines (RTL)*.



He is charged with genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, crimes against humanity (Extermination).

Protais Mpiranya was Commander of the Presidential Guard Battalion within the High Command of the Rwandan Army. He is charged with genocide, conspiracy to commit genocide, complicity in genocide, crimes against humanity, and violations of Common Article 3 to the Geneva Conventions and Additional Protocol II.

Augustin Bizimana was Minister of Defence in the Interim Government in 1994. He is charged with genocide, conspiracy to commit genocide, complicity in genocide, direct and public incitement to commit genocide, crimes against humanity, and violations of Common Article 3 to the Geneva Conventions and Additional Protocol II.

Addressing the audience, Prosecutor Jallow stressed that this event marked “the determination of the international community to continue the fight against impunity and to bring to justice the persons responsible for the violations of international humanitarian law in the Rwanda genocide, to deter the recurrence of such crimes, and contribute to the restoration and maintenance of peace and reconciliation.

The functions of the Arusha Branch of the MICT will include: tracking and prosecution of the remaining fugitives, maintaining protective measures granted to victims and witnesses by the ICTR, hearing any appeals from judgments or sentences issued by the ICTR that fall within the Mechanism’s competence, as well as handling requests for review of judgments, as mandated by the Security Council. The MICT will maintain the Tribunal’s vital role in assisting national jurisdictions by granting access to evidence, providing assistance in tracking fugitives whose cases have been transferred to national authorities, and monitoring cases transferred to national jurisdictions to ensure fair and impartial adjudication. Responsibility for the preservation and management of the ICTR’s archives will also be an essential function for the Mechanism as the ICTR, working alongside the Mechanism, nears the completion of its mandate



Mr. Majola Bongani, ICTR Deputy Prosecutor (centre) handing over the files of the three high-level fugitives to Mr.Hassan Bubacar Jallow, the MICT Prosecutor. Looking on is Mr. Richard Karegyesa, ICTR Chief of Prosecutions.



Mechanism for International Criminal Tribunals (MICT) begins work in Arusha

The launch of the Arusha Branch of the Mechanism for International Criminal Tribunals (MICT) was marked by a ceremony held on 2 July 2012 in Arusha, Tanzania. MICT officially began its work on 1st July 2012.

Established by the Security Council of the United Nations, the Mechanism is mandated to carry out a number of essential functions of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) after the completion of their respective mandates.

The launch brought together international officials, government representatives of the Republic of Rwanda and Tanzania, judges and staff of the ICTR, nongovernmental organizations, victims' representatives, and the media.

The two-hour event began with an address from Mr. Stephen Mathias, Assistant Secretary-General of the United Nations for Legal Affairs, who spoke on behalf of the Secretary-General.

Mr. Bernard Membe, the Minister of Foreign Affairs and Cooperation of the United Republic of Tanzania, also remarked on the launch, followed by Mr. Martin Ngoga, Prosecutor General of the Republic of Rwanda

Judge Theodor Meron, President of the MICT and the ICTY, Mr. Hassan Bubacar Jallow, Prosecutor of the MICT and the ICTR, Judge Vagn Joensen President of the ICTR,

Mr. Pascal Besnier, Officer in Charge of the Judicial and Legal Division of the ICTR on behalf of Mr. Adama Dieng, ICTR Registrar. Mr. John Hocking, Registrar of the MICT and the ICTY, concluded the ceremony.

Addressing the audience, Judge Theodor Meron, President of the MICT and the ICTY stated that the establishment of the Mechanism marked “the renewal of the international community’s commitment to the fundamental and unwavering principle that impunity for the worst of crimes may never be allowed to reign”.

The establishment of the Mechanism is a momentous step in the Completion Strategies of both the ICTY and ICTR. The Mechanism is tasked with the continuation of essential functions of both Tribunals and the preservation of their legacy.

President Meron recalled the ground-breaking role played by the ICTY and ICTR and praised the hundreds of decisions and judgements issued by the Tribunals, which have shaped international humanitarian law.



Some of the officials at the Residual Mechanism launching ceremony



Mechanism for International Criminal Tribunals website now online

The website of the United Nations Mechanism for International Criminal Tribunals (MICT) is now available at www.unmict.org.

The launch of the Mechanism's website coincided with the official launch of the MICT Arusha Branch on 2 July 2012, which will carry out the remaining functions of the ICTR, including trial and appellate proceedings, and the supervision and enforcement of sentences. The Hague Branch of the Mechanism, which will take on functions derived from the ICTY, will commence work on 1st July 2013.

The website explains the structure and mandate of the Mechanism and provides access to key documents guiding the work of the institution. The content of the website will expand over time to include features on important functions of the Mechanism, including the enforcement of sentences and protection of the witnesses.

The website is currently available in the MICT's official languages – English and French. Bosnian-Croatian-Serbian and Kinyarwanda will be added shortly, bolstering transparency and rendering the information easily accessible to the communities of the former Yugoslavia and Rwanda.

Activities of the Appeals Chamber: July & August 2012 (as of 28/08/12)

During July and August, the Appeals Chamber issued **2** decisions regarding referral appeals and **14** pre-appeal decisions or orders.

Currently, the Appeals Chamber is seized of **12** matters, including **8** cases involving appeals from judgment concerning **18** persons.

Appeals from Judgment

The Trial Judgment in the *Gatete* case was rendered on 29 March 2011 and issued in writing on 31 March 2011. Both parties filed notices of appeal in May 2011, the briefing was completed in December 2011, and the appeals were heard on 7 May 2012. Deliberations are in progress.

The Trial Judgment in the *Ndindiliyimana et al./Military II* case was rendered on 17 May 2011 and issued in writing on 20 June 2011. The notices of appeal of the five parties were filed between July 2011 and January 2012, the briefing was completed in May 2012, and the appeals are being prepared for a hearing.

The Trial Judgment in the *Nyiramasuhuko et al./Butare* case was rendered on 24 June 2011 and issued in writing on 14 July 2011.

The notices of appeal of the seven parties were filed between September 2011 and April 2012 and the briefing is in progress.

The Trial Judgment in the *Mugenzi & Mugiraneza/Government II* case was rendered on 30 September 2011 and was issued in writing on 19 October 2011. Two of the parties filed their notices of appeal in November 2011, the briefing was completed in May 2012, and the appeals are being prepared for a hearing.

The Trial Judgment in the *Ndahimana* case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both parties filed their notices of appeal in February 2012 and the briefing is in progress.

The Trial Judgment in the *Karemera & Ngirumpatse* case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties filed their notices of appeal in March 2012 and the briefing is in progress.

The Trial Judgment in the *Nzabonimana* case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both parties filed notices of appeal and the briefing is in progress.

The Trial Judgment in the *Nizeyimana* case was rendered on 19 June 2012 and issued in writing on 22 June 2012. Both parties filed notices of appeal and the briefing is in progress.

Other Appeals and Post-Appeal Requests

In addition to these appeals, the Appeals Chamber is seized of **1** appeal concerning referral (*Munyagishari*) and **3** requests for review in the *Kajelijeli*, *Muvunyi*, and *Zigiranyirazo* cases.

Summary

To date, the Appeals Chamber has delivered **36** Appeal Judgments, concluding the appellate proceedings in respect of **43** persons.



More ICTR Convicts Transferred to Mali and

The United Nations International Criminal Tribunal for Rwanda on 1 July 2012 transferred four convicts to serve their sentences in the Republic of Mali, bringing to twenty the number of individuals who have served or are serving their sentences in that country.

A few days earlier, on 29 June 2012, the Tribunal transferred another four convicts to the Republic of Benin, bringing to 16 the number of individuals who served or are serving their sentences there.

Those transferred, pursuant to Decisions on the Enforcement of Sentences made by the President under Article 26 of the Statute of the Tribunal, Rule 103 of the Rules on Procedure and Evidence, and the Directive on the Designation of the State Enforcement of Sentences are Yusuf Munyakazi, Tharcise Renzaho, Dominique Ntawukilyayo and Théoneste Bagosora to Mali, and Aloys Ntabakuze, Ildephonse Hategekimana, Gaspard Kanyarukiga and Callixte Kalimanzira to Benin.

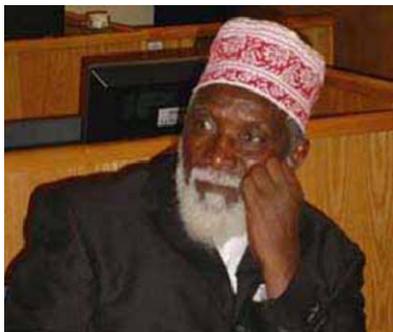
Earlier in the year, on 20 March 2012, three other-convicts, Simeon Nchamihigo, Ephrem Setako and Simon Bikindi were transferred to serve their sentences in Benin.

Samuel Imanishimwe who was serving his 12 years sentence in Mali, was on 8 August 2012 released upon completion of his sentence. Juvénal Rugambarara, serving his 11 year sentence in Benin, was on 8 February 2012 released upon serving three-fourths of his sentence.

Jean Bosco Barayagwiza and Georges Rutaganda, who were serving a 32 year sentence and life sentence, died on 25 April 2010 and 11 October 2010 respectively in Benin.

Nineteen convicts are currently serving their sentences in Mali, while 14 are serving theirs in Benin.

Transferred to Mali



Yusuf Munyakazi



Tharcise Renzaho



Aloys Ntabakuze



Ildephonse Hategekimana



Dominique Ntawukilyayo



Théoneste Bagosora



Gaspard Kanyarukiga



Callixte Kalimanzira

MICT REGISTRAR VISITS UMUSANZU CENTRE

The Registrar for the United Nations Mechanism for International Criminal Tribunals, Mr. John Hocking, accompanied by Chiara Biagioni, Legal Adviser, on Wednesday August 29, 2012, visited the Tribunal's Information and Documentation Center in Kigali (UMUSANZU).

Upon arrival, the MICT Registrar was received by Mr. Innocent Kamanzi, the Head of the Centre and Coordinator of the ERSPS Kigali sub-office, and other staff members.

He was taken around the facility to inspect the existing infrastructure. A short meeting was organized later, in which the Registrar was briefed on the main activities, achievements, challenges and the crucial role the centre is playing in ICTR Legacy matters.

In his short address, Mr Hocking, thanked UMUSANZU staff for their continued efforts and the work done in the implementation of the ICTR outreach program in Rwanda, more especially at this critical time of the Tribunal's completion strategy.

He briefed the staff on the operations of the Residual Mechanism, adding that the Institution was set up to complete the residual work of the ICTR, where among its principle activities was to continue supervising the witness support protection, provide assistance to National Jurisdictions and also tracking the main Genocide fugitives who are still at large.



Mr. Innocent Kamanzi talking to the MICT Registrar, Mr. John Hocking in Umusanzu center Library Room , during the latter's visit to the centre.



Update on Status of Cases

As of end of August 2012, the Appeals Chamber was seized of **12** matters, including **8** cases involving appeals from judgment concerning **18** persons. Total number of persons whose judgments had been completed at the appellate level was **43**. (Note that this will be 44 after 9 October 2012 when the next appeal judgment is scheduled for delivery)

The Tribunal had also completed its work at the trial level with respect to **89** of the **93** accused. Those included **54** first-instance judgments involving **74** accused, **2** withdrawn indictments, **3** indictees who died prior to or in the course of the trial, and **10** referrals to national jurisdictions.

The 10 referrals include four apprehended accused—two on trial in France, one on trial in Rwanda (Uwinkindi), and one in Arusha pending appeal of his referral to Rwanda (Munyagishari), as well as six fugitive cases which have been referred to Rwanda). One trial judgment remains to be delivered (Ngirabatware), and is anticipated by the end of 2012. The three remaining fugitives who the Prosecutor has determined should stand trial at an international tribunal (Kabuga, Mpiranya, and Bizimana) will be tried by the MICT when arrested .

US Ambassador -at-large for Global Justice visits Tribunal

US Ambassador at large for Global Justice H.E. Stephen Rapp on 6th August 2012 paid a one day visit to the Tribunal. During his visit he held official talks with senior officials of the Tribunal, including the President Judge Vagn Joensen and the Prosecutor Mr. Hassan Bubacar Jallow. In the picture Ambassador Rapp (centre) is flanked by Judge Joensen (left) and Mr. Jallow (right) during a press conference.



Ambassador Rapp (centre) with Judge Joensen (left) and Mr. Jallow (right)

Mechanism for International Criminal Tribunals (MICT) Launching Ceremony in Simba Hall.



The officials at the MICT launching ceremony



Participants at the launching ceremony