



ICTR NEWSLETTER

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United Nations International Criminal Tribunal for Rwanda

Irish President Visits Tribunal

The President of Ireland, Her Excellence Mrs. Mary McAleese on 21 June 2006 visited the United Nations International Criminal Tribunal for Rwanda and pledged her country's full support to its work. She said the Tribunal was pioneering promotion of international justice and national reconciliation in Rwanda.

President McAleese said that the ICTR has opened a new frontier in international law. She added that it was important that those in power in various parts of the world realise that the world would not allow them the comfort of perpetuating the culture of impunity.



The President was speaking during a meeting with the Tribunal's senior officials including Judge Erik Møse, the ICTR President, Judge Arlette Ramarason, Vice President, Justice Hassan Bubacar Jallow, the Prosecutor,

and Mr. Adama Dieng, the Registrar. She also attended a court session of the trial of *Bagosora et al.* This trial involves four high ranking military officials before Trial Chamber I presided by Judge Møse.

The President of the Tribunal Judge Møse commended Ireland for its tenacious support to the Tribunal. He also briefed her on the work of the Tribunal and its completion strategy which he said was on course.

The Prosecutor, Mr. Jallow appealed to the Irish Government to assist in apprehending fugitives who are at large as well as providing material support to states which will be willing to prosecute

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ICTR President and Prosecutor Address the Security Council

On Wednesday, 7 June 2006, the President of the Tribunal, Judge Erik Møse, and the Prosecutor, Justice Hassan B. Jallow, presented the updated version of the International Criminal Tribunal for Rwanda (ICTR) Completion Strategy to the Security Council during one of its bi-annual meetings with the two *ad hoc* Tribunals.

The President informed the Council that twenty-eight persons have received judgment and twenty-seven persons are on trial. Two new judgments are expected in a few weeks. Fourteen indictees are awaiting trial. It is expected that three new trials will commence in the second half of 2006. The ICTR remains on course to complete the trials of sixty-five to seventy persons by the end of 2008.

Judge Møse stressed the need for cooperation from Member States in accommodating persons who have been acquitted by the Tribunal. He reiterated the ICTR's request that the mandate of the permanent judges be extended to

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UN Security Council Extends Mandate of ICTR Permanent Judges

On 13 June 2006 the United Nations Security Council unanimously extended the mandate of all eleven permanent judges of the International Criminal Tribunal for Rwanda until 31 December 2008. This will facilitate the implementation of the ICTR Completion Strategy.

The resolution was in response to a letter of 21 March 2006 from the ICTR President, Judge Erik Møse, to the President of the Security Council, requesting the extension of the terms of office of all currently serving ICTR permanent judges.

Under Article 12 *bis* (3) of the ICTR Statute, the four-year term of the permanent judges had been due to expire on 25 May 2007. Elections were likely to have taken place at the end of 2006 or in early 2007. Given the closeness of this date to the end of 2008, which according to Security Council Resolution 1503 (2003) is the deadline for the completion of trials,

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Visit of the Irish President

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President of the ICTR, Judge Eric Mose welcoming Her Excellency Mrs. Mary McAleese



The Irish President with (from left) the Registrar, Mr. Adama Dieng, Judge Eric Mose, Judge Arlette Ramaroson and the Prosecutor, Mr. Hassan B. Jallow

cases transferred from the Tribunal at the end of its mandate in 2008.

The Registrar, Mr. Dieng also commended Ireland for supporting the ICTR from its very beginning. He specifically called upon the Irish Government to support the Tribunal's project catering for witnesses who are HIV positive in Rwanda.

Ireland has been at the forefront in supporting the work of the Tribunal, having contributed US\$ 437,040 in 2005 and US\$432,058 in 2006.

ICTR President and Prosecutor Address the Security Council

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2008 instead of holding new elections. The President also referred to various measures adopted by the Tribunal to increase the pace of the judicial proceedings and gave an overview of the Tribunal's Outreach and Capacity Building programme in Rwanda.

Justice Jallow stated that the Tribunal continues to face challenges in arresting the eighteen indictees at large. If apprehended, six of them will be tried by the ICTR, while the cases of the others will likely be transferred to national jurisdictions. One of the most prominent fugitives, Félicien Kabuga, resides in Kenya despite calls by the Tribunal for his arrest and trial. All Member States must ensure the arrest of fugitives and their eventual trial either at the ICTR or in countries willing to accept cases on referral from the Tribunal. Countries that are willing to accept such cases, including Rwanda, need more support. International cooperation in this field remains imperative.

Justice Jallow described the contribution by the Office of the Prosecutor to building capacity in the Rwandan legal system. He also gave an overview of Prosecution strategies to facilitate speedy trials and the development of best practices and standards in various aspects of the investigation and trial processes.

UN Security Council Extends Mandate of ICTR Permanent Judges

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extension of the judges' terms of office was requested in order to ensure the continuity, stability and certainty necessary for the efficient and effective planning of trials. In the present situation, an extension of the mandates for nineteen months is clearly preferable to elections for another four years.

Given the current provisions of the Statute, the approval of the Security Council and the General Assembly was necessary in order to extend the judges' terms of office. On 3 May 2006, the Secretary-General requested that the General Assembly and Security Council grant their approval.

The eleven judges whose mandate has been extended are Dennis C. M. Byron (St. Kitts and Nevis); Asoka J. N. de Silva (Sri Lanka); Sergei Alekseevich Egorov (Russian Federation); Mehmet Gühney (Turkey); Khalida Rachid Khan (Pakistan); Erik Møse (Norway); Arlette Ramaroson (Madagascar); Jai Ram Reddy (Fiji); William Hussein Sekule (United Republic of Tanzania); Andrésia Vaz (Senegal); and Inés Monica Weinberg de Roca (Argentina).

The Trial Chambers have completed cases involving 28 accused, whereas trials of 27 persons are in progress. Fourteen detainees are awaiting the commencement of their trials.



Points made by President McAleese during her visit to the ICTR on 21 June 2006

- Having met with members of the Tribunal during their Annual Retreat to Dublin in 2001, I am very grateful for this opportunity to visit the Tribunal and to be able to express, here in Arusha, our sincere gratitude for the difficult work it has performed over the past ten years.
- The Rwandan genocide of 1994, in a very real sense, shocked the conscience of mankind. Recent films have recalled these events, and have perhaps alerted new audiences to the dangers against which we must constantly guard.
- In addition to holding the instigators of such suffering responsible for their crimes, this Tribunal acts as a preventative tool against future acts of violence. It symbolises the commitment of the international community to join the people of Rwanda in saying "never again".
- The Tribunal has helped lay the foundation for a strengthened international criminal law, and has contributed to a global movement towards ending impunity that has culminated in the establishment of a permanent International Criminal Court. It is not too much to say that this Tribunal, together with the ICTY, formed the blueprint for that Court. Both Tribunals proved to the world that confronting impunity was indeed possible. Those who follow stand on your shoulders, and will forever owe this Tribunal a debt of gratitude.
- We believe too, that the ICTR is making a key contribution to the process of national reconciliation in Rwanda.
- As a criminal lawyer, I have taken a keen interest in the pioneering work of the Tribunal. The late Judge Richard May, of the ICTY, said that, "like builders of old", the pioneers of that Tribunal "found a quarry and turned it into the makings of a temple". The same can equally be said of the ICTR. The Tribunal's judgments on genocide and on gender-based crimes in particular, have been of immense importance. Its progressive and insightful jurisprudence will be amongst its most significant legacies.
- Ireland strives to fully play its part in the fight against impunity. Irish troops, currently serving with distinction in Liberia, were instrumental in the safe transfer of Charles Taylor, former president of Liberia, to the custody of the Special Court in Sierra Leone. Ireland strongly supports the work of the Special Court and an Irish judge, Therese Doherty, is a member of the Court. In addition, Judge Maureen Clark of the Irish Bar, and formerly of the ICTY, is now a judge of the ICC.
- I am proud of the International Process and Justice Project, its Director, Dr Rosemary Byrne of Trinity

College, Dublin, and the number of Irish participants, who have spent time in Arusha, studying the work of the Tribunal.

- While the Tribunal is now in its later phase, important work remains to be done in implementing the Tribunal's Completion Strategy. In addition to holding trials, the Tribunal no doubt will pay attention to issues such as ensuring that its legacy and archives are securely passed on to future generations, and that its experience is shared with other courts and tribunals. I wish the Tribunal every blessing in this endeavour and wish to assure you of Ireland's ongoing support for the Tribunal.

Statement by the President of the ICTR, Judge Erik Møse, to the United Nations Security Council on 7 June 2006

Mr. President, Excellencies, Ladies and Gentlemen,

It is an honour to address the distinguished Members of the Security Council and present the up-dated version of the ICTR Completion Strategy submitted to the Council on 29 May 2006.

When the ICTR Prosecutor and I appeared before the Council in December 2005, fifty-two persons had their cases completed or on-going. This number has now increased to fifty-five, one more than indicated in the document you received about a week ago. On 2 June 2006, Joseph *Serugendo*, a technical adviser of the RTLM radio station in Rwanda in 1994, was sentenced to six years imprisonment. He had pleaded guilty to direct and public incitement to commit genocide and crime against humanity (persecution).

The other judgment which has been rendered during the last six months involved Paul *Bisengimana*, a former *Bourgmestre*, who on 14 April 2006 was convicted of crimes against humanity (murder and extermination). He was sentenced to fifteen years, following a guilty plea. Twenty-eight accused have now received judgments, of whom seven have pleaded guilty.

There has been considerable progress with the six single-accused trials. In a few weeks time, judgments will be rendered in the *Rwamakuba* and *Mpambara* cases. Therefore, the ICTR will soon have completed cases involving thirty accused. Another two trials, *Muvunyi* and *Seromba*, are virtually completed. Judgments are expected later this year, after the closing arguments.

One new trial, *Karera*, started as scheduled in early January 2006. The Prosecution completed its case within sixteen trial days. The Defence is now mid-way during the presentation of its case. Let me also recall that the *Mpambara* trial was completed in twenty-eight trial days, during which twenty-six witnesses and

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Statement by Justice Hassan B. Jallow, Prosecutor of the ICTR, to the UN Security Council, 7 June 2006

Mr. President, Your Excellencies,

Since my last report to the Security Council on 15 December 2005, the implementation of the Completion Strategy continues to progress satisfactorily at the ICTR. The recent developments are set out in the revised ICTR Completion Strategy document which His Honour Judge Erik Møse, President of the ICTR submitted to the Security Council on 29 May 2006 following consultations with the Office of the Prosecutor and the Registry.

In the preceding six months, the Office of the Prosecutor has started the KARERA case and has since then concluded the prosecution phase of the case. The defence case is currently proceeding. We have concluded three other cases (SEROMBA, RWAMAKUBA and MUVUNYI) and are ready to commence three new trials (RUKUNDO, BIKINDI and NCHAMIHIGO) before the end of the year 2006. The OTP has, as well, successfully negotiated and concluded one guilty plea in the case of SERUGENDO.

The ICTR continues to face challenges in tracking and arresting the eighteen indicted fugitives. In my last report I informed the Security Council that the intelligence available to my office confirmed that indicted fugitive Felicien Kabuga has continued to reside in and carry on business in Kenya. He continues to be at large. His arrest and trial remains a top priority for the ICTR indeed for us all. We have maintained contact with the authorities in Kenya on this issue. They have promised to collaborate. The government of Kenya needs to be encouraged to fully cooperate with the ICTR in this respect and to make more intensive efforts to track, arrest and transfer Felicien Kabuga to the ICTR for trial.

The evasion of justice by Kabuga is a matter of concern of many civil society organisations both within and outside of Africa. In my meetings with the African NGOs in May 2006 some sixty NGOs signed a petition calling upon the Government of the Republic of Kenya to cooperate with the ICTR in tracking, arresting and transferring Felicien Kabuga to the custody of the ICTR. Kenyan NGOs have also indicated their willingness to cooperate with the ICTR. These Civil Society organisations are playing a valuable role as partners with the ICTR in pursuit of international justice. They are to be commended and supported. We hope that this partnership between the ICTR, Civil Society groups, the United Nations, the government of Kenya as well as other concerned governments will yield dividends.

The tracking and apprehension of the other seventeen fugitives continue to rank as a high priority. We continue to emphasise the need for the cooperation of member states to ensure the arrest of these fugitives and their eventual trial either at the ICTR or in countries

ICTR Judicial Activities

- Appeals Chamber Increases *Gacumbitsi's* Sentence to Life and Reduces *Imanishimwe's* to Twelve Years

The Appeals Chamber of the United Nations International Criminal Tribunal for Rwanda on 7 July 2006 provided reasons for its judgement in the *Ntagerura et al.* case, reducing *Samuel Imanishimwe's* sentence from 27 to 12 years imprisonment and recalling that it had confirmed the acquittals of André *Ntagerura*, former Minister of Transport and Communications, and Emmanuel Bagambiki, former Prefect of Cyangugu on 8 February 2006. The Appeals Chamber also upheld the conviction of *Sylvestre Gacumbitsi*, former Mayor of the Commune of Rusomo, and increased his sentence from 30 years to imprisonment for the rest of his life.

Ntagerura et al.



Ntagerura, Bagambiki & Imanishimwe at the Appeals Hearing

The Appeals Chamber composed of Judges Fausto Pocar, presiding, Mehmet Güney, Andréia Vaz, Theodor Meron, and Wolfgang Schomburg allowed Samuel Imanishimwe's first ground of appeal, quashing his convictions for genocide, extermination as a crime against humanity and serious violations of Article 3 Common of the Geneva Conventions and of Additional Protocol II for the events which took place at the Gashirabwoba football stadium.

The Appeals Chamber however, affirmed the convictions entered against *Imanishimwe* for murder, imprisonment and torture as crimes against humanity and for murder, torture and cruel treatment as serious violations of the Geneva Conventions and of Additional Protocol II.

On 25 February 2004 Trial Chamber III found *Imanishimwe* guilty of four counts of crimes against humanity (murder, imprisonment, torture, and extermination), one count of genocide and one count of serious violations of Article 3 Common to the Geneva Conventions and of Additional Protocol II.

Imanishimwe was arrested in Kenya on 11 August 1997 and transferred to the Tribunal's detention facility in Arusha the same day. *Ntagerura* was arrested in Cameroon on 27 March 1996 and transferred to Arusha on 23 January 1997. *Bagambiki* was arrested in Togo on 5 June 1998 and transferred to Arusha on 10 July 1998.

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Gacumbitsi



The Appeals Chamber composed of Judges Mohamed Shahabuddeen, presiding, Mehmet Güney, Liu Daqun, Theodor Meron and Wolfgang Schomburg, dismissed *Gacumbitsi's* appeal in its entirety. *Gacumbitsi* had appealed against his conviction and challenged his sentence alleging error in certain interlocutory decisions of the Trial Chamber and errors relating to his convictions.

The Appeals Chamber allowed the Prosecution's appeal in part. It held that *Gacumbitsi* was responsible for ordering acts of genocide, extermination, murder, and rape committed not only by the communal police, but also by the other perpetrators who participated in the attacks at Nyarubuye Parish and at Kigarama.

Additionally, the Appeals Chamber found by majority, Judge Güney and Judge Meron dissenting, that *Gacumbitsi* aided and abetted the murders of two Tutsi tenants, Marie and Béatrice, whom he expelled from their home and who were killed later that night. Consequently, the Appeals Chamber entered a new conviction for murder as a crime against humanity under Count 4 of the Indictment.

Sylvestre Gacumbitsi was born in 1943 in Rusumo commune, Kiungo Prefecture, Rwanda. He was arrested on 20 June 2001 in Mukugwa refugee camp in Kigoma, western Tanzania. He was immediately transferred to the UN detention Facility in Arusha.

• **Final Submissions Presented in *Seromba's* Trial**



On 27 and 28 June 2006, the Prosecution and the Defence in the case of *Athanase Seromba*, a Catholic priest formerly assigned to the Nyange Parish in Kivumu commune, Kibuye *préfecture*, Rwanda, presented their final submissions before Trial Chamber III of the United Nations International Criminal Tribunal for Rwanda.

Seromba is charged with genocide, complicity in genocide (an alternative count), conspiracy to commit genocide and extermination as a crime against humanity. He is alleged to have helped plan the killing of Tutsis in his area during the genocide of 1994 and to have ordered his church to be bulldozed while there were still more than 2,000 refugees sheltering inside, causing their death.

During final submissions, the Prosecution called for the conviction of the Accused and the imposition of a prison sentence for the remainder of his life. They reasserted that the moral authority *Seromba* held as a priest put him in a position of power and allowed him to give orders. The Prosecution reviewed testimonies that

demonstrated *Seromba* himself gave the command for his church to be levelled.

The Defence responded that the Prosecution had not proven its case beyond a reasonable doubt and called for *Seromba's* acquittal. They said *Seromba* did not have a history of discriminating against Tutsis before the events in question and that the driver of the bulldozer testified that *Seromba* never gave the order to flatten the church.

The trial commenced on 20 September 2004 before Trial Chamber III, composed of Judge Andréia Vaz (Senegal), presiding, Judge Karin Hökberg (Sweden) and Judge Gberdao Gustave Kam (Burkina Faso). The Prosecution is led by Senior Trial Attorneys Silvana Arbia and Jonathan Moses. The Defence is headed by Patrice Monthé and Barnabé Nekuie, both of Cameroon. The Prosecution presented 15 witnesses over 25 trial days, and the Defence called 24 witnesses over 42 trial days.

In addition to *Seromba*, 26 Accused are presently on trial or awaiting judgment. The Tribunal has handed down judgments involving 28 people, of whom 25 were convicted and three acquitted.

• ***Joseph Serugendo* sentenced to six years imprisonment**



Joseph Serugendo, a member of the governing board of the Radio Television Libre des Mille Collines (RTLM) and of the National Committee of the Interahamwe za MRND, was on 2 June 2006 sentenced to six years imprisonment. He had pleaded guilty to direct and public incitement to commit genocide and persecution as a crime against humanity.

Serugendo admitted to having provided technical assistance and moral support to the RTLM in order to ensure its ability to continuously disseminate an anti-Tutsi message both prior to and during the genocide. He further acknowledged having used his influence within the MRND and Interahamwe to incite others to kill or cause serious harm to members of the Tutsi population, with the aim of destroying the Tutsi ethnic group.

The Chamber took into account the gravity of these crimes, but also *Serugendo's* guilty plea and his substantial cooperation with the Prosecution. The Chamber noted that he expressed genuine remorse and a desire to help establish the truth regarding the events in Rwanda. This may encourage others to acknowledge their personal involvement in the 1994 genocide and contribute to national reconciliation in Rwanda.

Serugendo has recently been diagnosed with a terminal illness. He has very fragile health and a poor prognosis. The Registry was instructed to continue to ensure that he gets adequate medical treatment,



including hospitalization, to the extent necessary.

The judgment was rendered by Trial Chamber I, composed of Judge Erik Møse, presiding. Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov, following a sentencing hearing on 1 June 2006. *Serugendo* was originally indicted by the Tribunal on 22 July 2005. He was arrested in Gabon on 16 September 2005 and transferred to Arusha on 23 September 2005. *Serugendo* entered into a plea agreement with the Prosecution on 16 February 2006. On 15 March 2006, he pleaded guilty to two counts of an amended indictment and this plea was accepted by the Chamber.

Defence Counsel for *Serugendo* was Cecil Maruma, whereas the Prosecution was represented by Stephen Rapp, Chief of Prosecutions, and William Egbe, Senior Trial Attorney.

The judgement brings the number of persons whose trials have been completed to 28. Cases against 27 accused are on-going and 14 detainees are awaiting the start of their trials.

ICTR Appeals Chamber takes Judicial Notice of Genocide in Rwanda

The Appeals Chamber of the International Criminal Tribunal for Rwanda on 16 June 2006 ruled that the Trial Chambers must take judicial notice of the following facts:

The existence of Twa, Tutsi and Hutu as protected groups falling under the Genocide Convention;

The following state of affairs existed in Rwanda between 6 April 1994 to 17 July 1994: there were throughout Rwanda widespread or systematic attacks against a civilian population based on Tutsi ethnic identification. During the attacks, some Rwandan citizens killed or caused serious bodily or mental harm to person[s] perceived to be Tutsi. As a result of the attacks, there were a large number of deaths of persons of Tutsi ethnic identity;

Between 6 April 1994 and 17 July 1994 there was genocide in Rwanda against Tutsi ethnic group.

This landmark decision was delivered by the Appeals Chamber on Prosecutor's Appeal on Judicial Notice, dated 16 June 2006, in the trial of *Prosecutor v. Karemera, Ngirumpatse and Nzirorera*, ICTR-98-44-AR73 (C). The decision will have an immediate impact on the trial proceedings in the *Karemera et al* case, and will be felt in all of the current and pending trials before the Trial Chambers of the ICTR. Judicial notice of the above matters means that they are to be taken as established beyond any dispute and not requiring any proof.

This is one of the most significant rulings of the Tribunal, given the consequences in terms of putting the occurrence of the genocide beyond legal dispute. It

can be recalled that until now the OTP has had to in each case lead evidence and prove the occurrence of the genocide. This will no longer be necessary.

In the view of the OTP the ruling should now silence the 'rejectionist' camp which has been disputing the occurrence of genocide. By relieving the OTP of a substantial burden of proof the ruling has the potential to shorten the cases as each will essentially focus on the personal involvement of the accused person in genocide.

• Implication of the Appeals Chamber Ruling on Judicial Notice

Reports in the media have erroneously stated that the International Criminal Tribunal for Rwanda has only come to "discover" that genocide took place in 1994 with the recent decision by the Appeals Chamber on judicial notice. In fact, since the Tribunal's inception, trial judgments have confirmed again and again that a genocide took place in Rwanda, beginning with the conviction of Bourgmestre *Jean Paul Akayesu* in 1998. The ICTR was the first court to apply the definition of genocide and the first to consider rape and sexual violence a part of genocide.

However, while the events of 1994 were acknowledged and confirmed in previous cases, the Prosecutor first had to show proof that a genocide occurred in Rwanda, then demonstrate the accused's alleged role in the events. With the decision of the Appeals Chamber of 16 June 2006, the prosecutor no longer needs to prove the first element: the Rwandan genocide is acknowledged to be a "part of world history, a fact as certain as any other, a classic instance of a 'fact of common knowledge.'" The genocide is already a proven fact, and the judges do not need to hear evidence on the matter.

Working from this broad overview of the events of 1994, the Prosecutor must still prove guilt beyond a reasonable doubt. The Appeals Chamber wrote that, "The Prosecutor must, of course, still introduce evidence demonstrating that the specific events alleged in the indictment constituted genocide and that the conduct and mental state of the accused specifically make them culpable for genocide."

As for the accused, the ICTR's statute continues to guarantee them a fair trial and to protect their fundamental rights.

News from Kigali

• Parliamentarians visit Umusanzu Centre

On 21 June 2006, members of the Upper Chamber of the Rwandan parliament's standing committee on Political Affairs and Good Governance visited Umusanzu Information Centre in Kigali. The delegation comprised of the Chairperson, Mrs Kayumba Immaculéé, the Vice-Chairman, Dr. Iyamuremye Augustin and Senators Aloysia Inyumba, Wellarce Gasamagera and Prof. Nizurugero Jean.



The purpose of their visit was to familiarize themselves about the activities of the Umusanzu Documentation Centre and the current status of the work of the Tribunal as it heads towards the completion strategy in 2008.

The visitors were taken around the Centre and they were shown various existing facilities, including the Library, Information and Internet Rooms. They were shown how to access the ICTR TRIM Database that contains the ICTR judicial documents and also how to access other judicial websites.

The Senators met with the Tribunal's officials where Mr. Innocent Kamanzi, Head of the Centre, outlined the history of the Centre which was established in September 2000 and the activities of the Outreach Programme. He also explained that the Centre is the focal point of the ICTR in Kigali, and that it has been instrumental in updating Rwandans on the activities of the Tribunal and has contributed towards unity and reconciliation in the country.

"We are very impressed by the work of the Centre and we see in you potential partners of the Senate as regards the exchange of Information", said the chairperson of Senate Committee on Political affairs and Good Governance.

- **Series of Training Programmes for Rwandans begin at the ICTR Offices in Kigali**

A five-day training seminar on online research was opened on Monday, 26 June 2006 at the *Umusanzu* Centre in Kigali. This seminar is part of the ICTR's Outreach Programme. About 15 Lecturers in charge of Research Methodology courses from various institutions of higher learning in the country attended the seminar.

The training was facilitated by Angeline Djampou, Chief, Library and Reference Section, Arusha and Jonas Mutwaza of Umuzanzu Information Centre Library, in Kigali.

In his opening speech to the Participants, Mamoudou Touré, ICTR Chief of Administration in Kigali, on behalf of the ICTR Registrar, Mr. Adama Dieng, said that this

training was being carried out to support the capacity building of Rwandan professionals. He added that the Tribunal fully supports this project that fits into the Government policy towards the promotion of peace and reconciliation in Rwanda.

He also indicated that it is in recognition of the importance of training and capacity-building of Rwandans that the ICTR established the *Umusanzu* Centre. He thanked the staff of the Library Section in Arusha and the *Umusanzu* Centre for organizing this training. He also announced that the ICTR would continue to support the capacity building of Rwandans and provide information to raise public awareness about the Tribunal's work.

Mr. Alfred Kwende, OIC, Investigations, Kigali also spoke to the participants.

Ms. Angeline Djampou indicated that the overall objective of the training session was to equip participants with the knowledge, skills and techniques that are necessary to conduct information research on the internet. She enumerated the specific objectives as follows: mastery of research methodology, introduction to internet research tools, identification of relevant resources on the internet, and evaluation of the information available on the internet.

The training session was the first in a series of training seminars intended for Rwandans. Other participants included law students from various universities and Rwandan legal professionals.



News from The Hague

- **Activity of the Appeals Chamber**

The Appeals Chamber finalized judgements in the *Cyangugu* and *Gacumbitsi* cases. The Appeals Chamber also finalized the decision on a motion for review in the *Niyitegeka* case and rendered decisions on the merits of two interlocutory appeals in the *Karemera et al.* case, one concerning judicial notice and the other concerning the role of the Electronic Disclosure Suite in satisfying the Prosecution's obligation to disclose exculpatory material, and issued fifteen pre-appeal orders or decisions.

The Appeals Chamber will sit Arusha on 6 and 7 July 2006 to deliver the judgements in the *Cyangugu* and



Gacumbitsi cases and to hear the merits of the appeal in the *Ndindabahizi* case. The Appeals Chamber is also preparing the *Media* case appeal for a hearing and is considering pre-appeal matters in the *Simba* and *Muhimana* cases. Further, the Appeals Chamber is seized of four interlocutory appeals, a request for reconsideration and review in the *Rutaganda* case, and an appeal concerning referral in the *Bagaragaza* case.

- **Inter-Tribunal Co-operation, ICTR-Internal Co-operation and External Co-operation**

Mr. Jean-Pelé Fomété, Senior Legal Officer, Chief of the Court Management Section was on mission in The Hague from Monday, 19 to Friday, 23 June 2006. He met with the ICTR Appeal Judges as well as the Registrar ICTY and held meetings with each of the three Sub-Units within the ICTR, ACSU with focus on the operational and managerial issues in order to enhance the support to the Appeals Chamber. Mr. Fomété also held working sessions with officials of the Ministry of Foreign Affairs and the Ministry of Justice of the Netherlands as well as with a delegation of the Court of Justice and the Public Prosecutor's Office both of the District of The Hague. In addition to his mission in The Hague Mr. Fomété participated in Brussels, on behalf of the Registrar in an informal European Union's Working group on the International Criminal Court and the ad hoc tribunals. He was a member of a delegation comprised of the Registrar of the ICTY, Mr. Hans Holthuis and his Senior Legal Adviser, Mr. Christian Rohde.

Mr. Everard O'Donnell was on mission in The Hague from Monday, 3 to Wednesday, 5 July 2006 in his capacities as Acting Deputy Registrar and Senior Legal Officer, Chief of Chambers Support Section of the ICTR. He met with the Appeal Judges and with each of the three Sub-Units within the ICTR, ACSU as well as with individual staff members with focus on several issues, including the present and future operational and managerial issues in order to strengthen the required support to the Appeals Chamber, Human Resources questions, logistic and equipment matters. Mr. O'Donnell also held a working session with the Registrar ICTY as to the current and future co-operation in the process of strengthening the support to the Appeals Chamber in The Hague and the Trial Chambers in Arusha. Mr. O'Donnell also held a working session at the ICC in order to reinforce the operational co-operation between the Court and the ICTR. Furthermore, Mr. O'Donnell met with representatives of the Ministry of Foreign Affairs and the Ministry of Justice of the Netherlands as well as of the Public Prosecutor's Office of the District of The Hague on various co-operation issues and reiterated to them the gratitude of the Tribunal for the continuous support provided by The Netherlands.

During his mission in The Hague to attend a High Level Expert meeting on Judicial Archives on 14 and 15 July 2006, the Registrar ICTR, Mr. Adama Dieng held a general meeting with the staff members of the

Appeals Chamber Support Unit, in The Hague on Thursday, 13 July 2006. He informed that staff on several issues such as staff retention, legacy, etc.

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

Following the Order issued on 31 January 2006 by Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca (Presiding), Khalida Rachid Khan and Lee Gacuiga Muthoga, the Other Registry Services Sub-Unit within the ICTR Appeals Chamber Support Unit in The Hague organised a hearing of a witness from Monday, 12 to Thursday, 15 June 2006 in the *Zigiranyirazo* case (ICTR-2001-73-T) in The Netherlands in coordination with the relevant Sections/Units of the ICTR. The success of the hearing which took place in the courtroom in Camp Zeist, where the historical Lockerbie Trial was held, was ensured by the remarkable cooperation of the Ministry of Foreign Affairs and the Ministry of Justice of the Netherlands as well as the valuable support of the Court of Justice and the Public Prosecutor's Office of the District of The Hague, the ICTY and the ICC.

Following the Order issued on 27 March 2006 by Trial Chamber III, composed of Judges Inés Mónica Weinberg de Roca (Presiding), Khalida Rachid Khan and Lee Gacuiga Muthoga, the Other Registry Services Sub-Unit within the ICTR Appeals Chamber Support Unit in The Hague organised and coordinated with the CMS in Arusha a witness testimony by video-link which took place on 20 June 2006.

Following the Order issued on 20 June 2006 by Trial Chamber I, composed of Judges Erik Mose, (Presiding), Jay Ram Reddy and Sergei Alekseevich Egorov, the Other Registry Services Sub-Unit within the ICTR Appeals Chamber Support Unit in The Hague organised and covered a witness testimony by video-link which took place on 6 July 2006.

The same day, 6 July 2006, the ICTR/ACSU organised the participation of Judge Theodor Meron from The Hague in the Appeals Chamber's hearing in the *Ndindabahizi* case in Arusha, by video-link and telephone conference.

- **ICTR Chambers Decisions Database accessible in The Hague**

From the beginning of June, the ICTR Chambers Decisions Database, updated daily, is available to ICTR ACSU staff in The Hague, greatly facilitating access to the jurisprudence.

ICTR Archivists Visit SCSL

Two representative from the ICTR's Court Management Section, Tom Adami, Chief of the Judicial Records and Archives Unit, and Martha Hunt, Audio-Visual Archivist, JRAU, recently visited the Special



Court for Sierra Leone to evaluate the condition of the archives and to provide suggestions for ways ahead in improving the preservation and accessibility of the records. Mr. Adami and Ms. Hunt were on site in Freetown from 6 – 13 June, where they worked closely with Krystal Thompson, Chief of Court Management of SCSL. Ms. Thompson recognizes the urgency in addressing the issues surrounding the archival legacy of the SCSL due to the Court's expected closure in 2007, but does not currently have the expertise or staff to ensure the archival integrity of the SCSL's records. The archival legacies of all the international criminal courts are important collections of jurisprudence that will continue to inform and support efforts now and in the future to halt impunity globally. It also shows the affected societies that the member states of the United Nations are willing to continue to provide them with support in returning to normalcy including preserving a judicial history of events in both Rwanda and Sierra Leone.



The Special Court for Sierra Leone Courthouse

The short time they were there proved very fruitful to the delegates from ICTR. They were able to meet with representatives from several units within SCSL to discuss the archival status of their unit's administrative records, as well as to spend time evaluating the judicial records and audio-visual recordings of the proceedings. Despite the fact that there is no centralized archival system in place at SCSL, considerable initiative has been taken within the individual units, and the record keeping systems in place are quite impressive. The archivists from ICTR recommended that an organization-wide records management system be put into place to integrate these various systems. In keeping with best practices principles, they suggested that it be compatible with the records management systems currently in place at the ICTR and the Archives and Records Management Section (ARMS) at the UN headquarters in New York while also accommodating the systems currently in place at SCSL. It was found that if actions are taken promptly, a records management system could be implemented and fully functional in time to meet the deadline of the closure of SCSL.

Being the first of the *ad hoc* international courts scheduled to close, SCSL will serve as a model in implementing its completion strategy. Cooperation will prove to be of utmost importance in the successful completion of the mandates of these organizations. The open exchange of expertise and experience that

took place during the course of this mission is an encouraging example of what can be achieved through cooperation, and the support of the administration proves their commitment to ensuring the long-term viability of the archival legacy of both institutions. It is expected that further contacts will be made on this issue to ensure harmonisation in approaches as far as possible.

Canadian Archivists Conference features session on Criminal Justice Archiving

The Association of Canadian Archivists 31st Annual conference was held in St. John's, Newfoundland, Canada, from 28th June to 1st July 2006. The theme for this year's conference was "Living on the Edge" The Place of Archives in the Heritage and Cultural Community'. The conference was attended by hundreds of delegates from around the world, and was comprised of 25 sessions focusing on a wide range of archival concerns and featuring over 70 Canadian and international speakers.

Two representatives from the ICTR, Tom Adami, Chief of the Judicial Records and Archives Unit and Martha Hunt, Audio-Visual Archivist, JRAU were joined by Krystal Thompson, Chief of Court Management Section of the Special Court for Sierra Leone in presenting a session entitled 'Reconciliation, Peace and Justice: How Archives of the International Criminal Courts can aid the processes' to an audience of some 100 attendees. All three presented papers on different aspects of the process of information management within the ICTR and SCSL and the importance of maintaining the archival legacies of both courts.



St. John's, Newfoundland

Issues such as how the audiovisual archive of ICTR has powerful impact on viewers and how to balance access and preservation of this collection were raised. The legal issues of future review and access to confidential records and the inclusiveness of the case files to include records of detention post trial were highlighted. Another important aspect of the archival work undertaken is how to transfer knowledge to local communities and in that regard the outreach program of ICTR and SCSL were touched upon. Presenters raised the need to create accessible, authentic and accurate records of the trial proceedings for future reference. The magnitude of the impact of moving



images was very prominently demonstrated when short video clips were aired as part of the presentations to the very attentive audience. After the formal papers were delivered, the presenters were asked questions and several requests were received for copies of the video clips shown.

Several of the other topics addressed in the conference were particularly relevant to the delegates from the ICTR and SCSL, including concerns regarding the authenticity of born-digital documents in the legal process, the role of archives in post-colonial environments, and the role of records and record-keeping systems in law enforcement and the penal system.

Canadian Broadcasting Corporation [CBC] Radio took advantage of the presence of the delegates by conducting interviews with Tom Adami and Krystal Thompson. The interviews were broadcast nationally throughout Canada and locally in St. John's, Newfoundland, respectively. Rick McInnes-Rae, the host of the nationally broadcast program 'The Current', addressed the issues of why we need to keep such archives and what impact they may have on reconciliation within the affected communities. An excerpt of the Akayesu case was included as the program was pre-recorded and aired on the 4th of July 2006.

ICTR Library Participates in Training at UNON



From 29 to 31 May 2006, Ms. Angeline Djampou Chief of the ICTR Legal Library was invited by UNEP to participate, as a resource person, in its training seminar for members of the Iraqi Ministry of

Environment. This training took place at UNON in Nairobi, as a logical follow-up activity to the recent establishment of an Environmental Information Centre (EIC) within the Iraqi Ministry of Environment. It aimed at equipping the EIC staff with necessary skills and tools to manage the information centre effectively and proactively.

Ms. Djampou spoke on the following themes:

- Strategies for keeping the EIC proactive.
- Outreach and marketing of library and information services.
- Using technology to improve library services.
- Reference services geared at providing satisfactory assistance to users.

The EIC was established by the Post-Conflict Branch

(PCoB) of the UNEP office in Geneva, in collaboration with the UNEP's Division of Communications and Public Information (DCPI) and the Sergio Vieira de Mello UN Library in Nairobi. Its main objective is to generate and manage a repository of environmental information to support government officials, researchers, academicians and the civil society in decision-making processes and to enhance access to environmental information.

Release of the ICTR Basic Documents and Case Law CD-ROM 2003-2004 (3rd ed.) by the ICTR Legal Library



The important contribution of the International Criminal Tribunal for Rwanda (ICTR) to international criminal law can

only be properly realized when information regarding its work is fully and extensively disseminated. It is in fulfillment of this crucial requirement that the ICTR Legal Library commits itself to compiling and distributing a CD-ROM entitled "Basic Documents and Case Law", which contains the Tribunal's basic documents and case law, as well as its publications and various United Nations documents on the ICTR.

The third edition of the ICTR Basic Documents and Case Law CD-ROM covering the period 2003-2004 has just been released, following and complementing two previous editions (1995-2000 and 2001-2002). This new publication contains 1100 documents and is organized in four sections: basic documents, case law, UN documents and ICTR documents.

The third edition of the ICTR Basic Documents and Case Law CD-ROM features:

- Browsing and searching options;
- An efficient search engine with multiple search options (keywords, title words, accused, rule, article, date and combined search options using Booleans operators);
- Search outputs in both ICTR official languages (English and French) regardless of the search language; and a
- User-friendly menu.

This unique publication bears testimony to the Tribunal's accomplishments and offers the user extensive insights into the work and activities of the International Criminal Tribunal for Rwanda. It constitutes an essential component of the ICTR legacy.

For additional information please contact ICTR Legal Library: tel. +255 27 2565255, e-mail: ictrlib@un.org



Visitors to the ICTR from 1 June to 15 July 2006

- 4 July: School from Zanzibar 9Pax
- 5 July: Joshua Foundation, USA
- 6 July: Larson Family; 16 Canadian Students from UAACC; Cross Cultural solutions 14 Pax
- 10-11 July: Mr. Abdulahi Diallo; Putney Student Travel 19 Pax; Students from USA; Anserian Peace Village (10 Pax)
- 12 July: Erik Bjorling, Maria Alfredson Law Students, Sweden; Judge Ellen Gesmer; SIT Group
- 13 July 2006: A group of 13 British practicing lawyers and law students visited the ICTR offices at Amahoro *Building*, Kigali
- 1 June: 29 VIPs from the Kenya National defense College, Dr. Pascal Mocumbi, Former Prime Minister of Mozambique and Prof. Charles Mgone, Head of EDCTP, Africa Unit.
- 3 June: Janie Macko-Canadian Law student
- 5 June: Tanzanian Military Academy (73Pax)
- 7 June: Stony Brook University students
- 8 June: James and Karen Ingram- Journalists from Australia
- 8 June: Ronald Slye from Witwatersrand University, South Africa
- 13 June: 7 Students form Lomwe secondary school
- 14 June: Jeff Meller ; 16 Volunteers from Cross Cultural solutions; 2 German Journalists
- 16 June: Mr. Kenji Matsumoto (Japanese) and Lisa Nackers (USA); 11 visitors from the African Renaissance group
- 18 -24 June: 11 representatives from Rwandan Civil Society
- 19 June: Mr. Jonekke Koomen-MacArthur Scholar, Minesotta University
- 21 June: Visit by the Irish President and her entourage including senior officials from the host country.
- 23 June: Visit by Breaburn School - 18 Pax; Visit by 26 students from Makini Secondary School, Kenya; Ms. Kristen McGeeney, Foreign Affairs Officer of US State Department of War Crimes
- 27 June: Mama Charlotte O'Neal UAACC
- 28 June: 19 Students from Putney University.
- 29 June: Mr. and Mrs. Craig Faizer
- 30 June: 2 visitors from the Institute of Social Affairs
- 30 June: 7 Officials from the Scottish Aid Agency.

Statement by the President of the ICTR, Judge Erik Møse, to the United Nations Security Council on 7 June 2006

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closing arguments were heard. These cases are two new examples of the ability of the ICTR to conduct single-accused trials within very limited time. In *Zigiranyirazo*, the Prosecution case is near completion. The Defence will present its evidence after the judicial recess.

The progress in these six single-accused trials will make it possible to commence new trials. Following the *Serugendo* judgment, fourteen detainees are now awaiting trial. It is expected that three new single-accused trials may commence during the second half of 2006, taking into account Trial Chamber and court room availability.

Let me now turn to the five multi-accused trials, which have continued to progress at a steady pace over the last few months. The *Butare* trial (six accused) is expected to be completed in 2007. The second of the accused has presented his evidence and is now being cross-examined. The *Military I* trial (four accused) is on course to reach completion of all evidence in 2006. Most witnesses on behalf of three accused have been heard. In the *Government* trial (four accused), the Defence teams are presenting their respective cases. This trial is expected to be completed in 2007. In the two remaining joint trials, *Military II* (four accused) and *Karempera et al.* (three accused), the Prosecution witnesses are testifying.

Mr President,
I have now described the high level of productivity at the ICTR over the last six months, with the Tribunal conducting eleven trials involving twenty-seven accused and rendering two judgments. All four court rooms are in full use. The ICTR remains on course to complete the trials of sixty-five to seventy persons by the end of 2008, as indicated in our Completion Strategy.

The Prosecutor will provide the Council with an up-date of his plans to transfer cases to national jurisdictions. Let me simply note that the Prosecution has made one request for transfer in accordance with Rules 11 *bis* of the Rules of Procedure and Evidence, which was denied by the Chamber. The case is now on appeal.

There are eighteen indictees at large. The Prosecutor will provide further information. I wish to stress that cooperation from Member States is vital for the arrests and transfer of these accused, as well as other persons suspected of having participated during the events in 1994. It cannot be overemphasized that the accused must be brought to justice, either at the international or national level, in order to determine their guilt or innocence. Impunity for alleged perpetrators is no viable option.

At the December 2005 meeting, I mentioned the need for cooperation from Member States to accommodate



persons who have been acquitted by the Tribunal. Two accused in the so-called *Cyangugu* trial were acquitted in February 2004. Four months ago, in February 2006, their acquittals were confirmed by the Appeals Chamber. They are still in a safe house in Arusha, in spite of numerous attempts by the ICTR to relocate them to possible host countries. This is a serious problem. The ICTR depends on the assistance of Member States.

Mr. President,

In order to ensure a successful implementation of the ICTR Completion Strategy, continuity and maximum efficiency is of the essence. In my letter of 21 March 2006 to the President of the Security Council, I therefore asked for an extension of the mandate of the eleven permanent judges, instead of proceeding to elections. In May 2007, which according to the Statute is the commencement of the next four year period of the judges, virtually all of them will be occupied in trials. Some of them will be completing the remaining multi-accused cases, whereas others will be conducting the new single-accused trials which will commence from the second half of 2006. If some of them are not re-elected, the result could be serious disruption in the work of the Tribunal. In the worst case scenario, trials may have to start *de novo* with new judges.

It is true that a prolongation of the mandate of individual judges who are not re-elected, is possible. However, it is not a practical solution. This has only been done for part-heard cases and not with respect to other judicial activities, leading to under-utilization of available resources. It will also not be cost-efficient. Moreover, even if our judges are replaced with the most experienced judges from national jurisdictions, new judges joining the Tribunal will need time to acquire the necessary institutional knowledge. This time is not available at this important stage of the Tribunal's life.

Elections would mean that judges were elected for a four year term (May 2007 to May 2011). However, the Completion Strategy is built on the premise that the trial judges will complete their work by the end of 2008. Under these circumstances, it is clearly preferable to extend the mandate of the judges for about nineteen months instead of electing them for four years.

I note with pleasure that the Secretary-General, in his letter of 3 May 2006 to the Presidents of the Security Council and the General Assembly, has requested that the mandate of the judges be extended. It would be highly beneficial to the work of the ICTR if the Council could adhere to our request as soon as possible.

Mr. President,

It has been a deliberate policy to use the same approach in the various versions of our Completion Strategy. This makes it easy to compare the information provided every six months and assess the progress made. Moreover, the document has intentionally focused on the judicial activities of the Tribunal, and the measures adopted by the judges to increase the pace of trials.

This being said, it is important to emphasize that in parallel with these core activities there have been constant endeavours, by all three branches of the ICTR, to improve the working methods also in other ways, which may be less visible to observers of the Tribunal. As these measures have contributed significantly to our efficiency, this seventh version of the Completion Strategy contains new Annexes.

Annex Six describes some of the initiatives taken by the Office of the Prosecutor to facilitate the trial of cases. The Prosecutor will address this in his intervention. For my part, I would like to refer to Annex Seven, which in table form lists measures taken by the Registry to support the judicial process. I can assure you that this list of commendable initiatives could have been made longer. However, in the interest of brevity and simplicity it was not possible to mention all measures that have been implemented in the annex. Let me briefly draw your attention to two examples from the list.

- The first illustration concerns interpretation. Almost all our witnesses testify in Kinyarwanda. Until 2000, we had a system of consecutive interpretation. The interpreter sat next to the witness, took notes and after having heard a portion of his testimony in Kinyarwanda, started translating it into French. Interpretation then followed from the booth into English. Subsequently, due to extensive training, it was possible to achieve simultaneous interpretation from Kinyarwanda into French and then from French into English. This led to saving of about twenty-five per cent of efficient court time. More recently, the Language Section has achieved simultaneous interpretation not only both ways between Kinyarwanda and French, but also between Kinyarwanda and English. Thanks to this advanced level of interpretation, significant time has been saved and the pace of our proceedings has accelerated.

- The second example deals with transcription. All our proceedings are transcribed by court reporters. Originally, a hard copy of the transcripts was delivered after the daily trial session. However, through the introduction of CaseView, the transcripts now appear on the laptops of the judges and the parties seconds after the words have been spoken. This makes it possible to follow the testimony even more meticulously, correct mistakes, scroll back and confront witnesses with contradictory testimony etc. Thanks to this advanced system and our court reporters, the previous discussions between the parties about the exact words spoken by witnesses have disappeared. This innovation has saved valuable court time.

I would also like to draw the attention of the Council to a new Annex Five, which gives an overview of the Tribunal's outreach and capacity building programme in Rwanda. A flagship of the outreach programme is the Information Centre in Kigali, which receives a large number of visitors, including lawyers, students, journalists, civil servants as well as ordinary Rwandans from all walks of life. Our capacity building programme



includes the training of jurists, advocates and human rights practitioners. A special fellowship programme for Rwandan students has been operational for the last six years. The Tribunal continues to receive delegations from Rwanda. Direct observation of our trials and discussions with Tribunal officials provide better understanding of our contribution to justice and reconciliation in Rwanda.

The ICTR also conducts regular workshops in the different provinces in Rwanda. The purpose of these workshops is to inform the Rwandan people of the work of the Tribunal. The Tribunal has received funds from the European Commission which will be used to set up information centres in the different provinces in Rwanda. Negotiations with the Rwandan Government for this purpose are currently in progress.

Rwanda has continued to cooperate with the ICTR by facilitating a steady flow of witnesses from Kigali to Arusha and by providing relevant documents to the court proceedings. This is appreciated by the Tribunal. It is important to avoid delays in the processing of documents. Flexibility by the authorities will contribute to this aim.

Let me conclude by thanking the distinguished members of the Security Council, the Secretariat and the Member States for their support to the successful completion of the work of the ICTR.

Thank you.

**Statement by Justice Hassan B. Jallow,
Prosecutor of the ICTR, to the UN Security
Council**

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willing to accept cases on referral from the Tribunal. Unfortunately in the past six months we have not registered any arrest or transfer of a fugitive to the Tribunal.

Referral of indictees under Rule 11 *bis* of the Rule of Procedures and Evidence (ROPE) continues to be a slow and challenging process. The first motion for transfer of a case of an indictee to a national jurisdiction was on 18 May 2006 rejected by a Trial Chamber. The ruling significantly limits the range of countries available for referral and in this respect could impact negatively on the referral strategy. However a final decision is now pending in the joint Appeals chamber of the ICTR.

The Security Council has, in its Resolution 1503 (2003) called on member states to assist in developing the capacity of those states willing to accept such cases. However, there is a need for more concrete assurances and indications of possible support for such countries, including Rwanda in order to encourage a more positive response to the ICTR requests for acceptance of cases. Support should be provided to national jurisdictions that are willing but unable due to resource constraints to receive and prosecute indictees on referred.

Whilst recognizing the cost to states, it is absolutely necessary for more states which have jurisdiction and the capacity to prosecute such cases to come forward and share with the ICTR this task in order to promote the cause of an effective international criminal justice system.

I have, since my last report to the Security Council, met government officials of some four African countries and discussed with them the possibilities of referral of cases to those States for trial. Their responses are awaited. Whilst some countries are willing in principle to accept R11 *bis* cases, inadequate judicial capacity continues to be the main obstacle to their effective collaboration.

Rwanda continues to be our major focus for referral of cases of indictees for trial. I have received assurances from the government of Rwanda that this year it intends to take the necessary measures for eligibility to receive cases of indictees on referral from the ICTR. The eligibility of Rwanda for reception of cases of indictees could significantly advance the transfer strategy.

Meanwhile the OTP has been making its own contribution to capacity building in the Rwandan legal system in anticipation of this development.

There are currently seven Rwandan lawyers working in the Office of the Prosecutor as well as Rwandan investigators and language assistants. We expect that their experience will be useful to the Government of Rwanda generally, and particularly in the handling of referred cases. Furthermore, the OTP has offered eight places for Rwandan prosecutors for attachment at the OTP as part of our contribution in training Rwanda lawyers. ICTR staff in Kigali and Arusha will also assist in training the Rwanda investigators.

Negotiations with other European States for referral of cases under Rule 11 *bis* of ROPE are continuing. We await responses in respect of three cases of indictees which the OTP has identified for referral.

In a welcome new development many countries are now increasingly showing a commitment to prosecuting genocidaires residing in their territory who have not been indicted by the ICTR. The OTP has been collaborating with such countries through providing them with the evidence at our disposal to enable them successfully prosecute such genocidaires. This commitment by states will further contribute to ensuring that there are no safe havens even for persons who may not have been indicted by the ICTR. Other states are strongly encouraged to adopt such a policy.

Our focus will continue to be the prosecution of the cases currently on trial, the preparation of the cases of the 15 remaining detainees and at most six of the 18 cases of those at large; the implementation of a more effective tracking and arrest strategy for fugitives and the continuation of referral proceedings in respect of indictees to national jurisdictions for prosecution. I propose to request the referral of the cases of some



detainees as well as the cases of most of those who remain at large.

We remain confident that the ICTR can conclude the cases of all those indictees currently in detention – either on trial or awaiting trial – by the 2008 deadline of the Completion Strategy. In my last report to the Council I drew attention however to the two challenges we face: the arrest of the fugitives and the referral of cases to national jurisdictions for trial. These challenges remain.

We propose to prosecute at the ICTR at most 6 of these persons including Felicien Kabuga. In accordance with Security Council Resolution 1503, we propose to transfer the remaining cases to national jurisdictions for prosecution. Ideally, all these fugitives should first be arrested and transferred to the ICTR and then proceed to be dealt with, either by trial at the ICTR or by referral. Where they remain at large, their cases could still be referred to another country but the need for arrest in order to enable the case to proceed in the referee country will remain. International cooperation in the arrest and transfer of fugitives to the ICTR or to the referee countries thus remains imperative.

In the event that the cases earmarked for referral – currently numbering at least 17 and possibly rising to 20 – cannot for any reason be transferred to national jurisdictions, the burden of prosecuting these cases will fall back on the ICTR. This will constitute a substantial increase in our workload and present a real challenge to the Completion Strategy.

Meanwhile the OTP has continued to develop and implement internal strategies to facilitate the speedy trials of cases including the improvement of OTP information management. One such improvement is the Electronic Disclosure System (EDS), a computer-based information management system containing all the non-confidential evidence and other information held by my office. This store of information which is available to the Defence on application via the internet, enables Defence Counsels to access our information data base from anywhere in the world 24 hours a day, 7 days a week. The most important benefit of this system is that it facilitates the compliance by the OTP with its disclosure obligations and speeds up the trial process.

The OTP has as well developed an Intranet system to facilitate the sharing of information within the trial teams and thus assist the pursuit of a more consistent prosecutorial strategy.

Case Map, another strategy developed to improve prosecutorial work, is litigation support software that allows a trial team to gather all information relevant to a case in one place for easier analysis and sharing. The management of the evidence in the major multi-accused cases involving hundreds of witnesses and thousands of pages of evidence transcripts has been a big challenge which Case Map is expected to make easier.

LiveNote another new facility, is transcript management software that enhances access to the information in court transcripts as well as allowing trial teams to annotate transcripts on a real-time basis. LiveNote gives trial teams the ability to search all the transcripts of an entire case at once thus reducing a task that previously could take several days to one that can be done in a matter of hours. LiveNote greatly improves the speed at which information can be accessed which in turn leads to more efficient working practices by trial teams.

The OTP is also in the process of formulating best practices and standards in various aspects of the investigation and trial process as well as developing manual and procedures to ensure adherence to these practices and standards.

All these tools are designed to inject greater efficiency in the OTP in the discharge of its prosecutorial mandate and to accelerate, expedite the prosecution of cases.

We are continuously engaged in the process of reviewing our working methods and strategies to this end. In March 2006 the OTP held its Second major Strategic Review which gave us the opportunity to identify the measures which need to be taken to ensure the success of the Completion Strategy. Out of this process has developed a Strategic Plan to guide us for the remaining years.

Whilst all these internal measures taken at the OTP together with others instituted in the Registry and the Chambers will enhance greater efficiency, the two challenges of arrests and referrals of cases remain the most pressing issues for the Tribunal.

I would like to seize this opportunity to thank the Security Council, the UN Secretariat and member states which continue to actively support the Tribunal towards the successful implementation and completion of its mandate.

I thank you.



Judicial Decisions of the ICTR between 1 June to 30 June 2006

Date	Case	Record Number	Title	TC
01/06/2006	Karemera et al.	ICTR-98-44-2370	DECISION RELATIVE A L' APPEL INTERLOCUTOIRE DE JOSEPH NZIRORERA	TC 3
01/06/2006	Serugendo	ICTR-05-84-0026	DECISION ON MOTION FOR PROTECTION OF WITNESSES	TC 1
01/06/2006	Serugendo	ICTR-05-84-0024	DECISION ON DEFENCE MOTION FOR THE ADMISSION OF WRITTEN WITNESS STATEMENTS UNDER RULE 92 bis	TC 1
02/06/2006	Rutaganira	ICTR-95-1C-0042	DECISION ON REQUEST FOR EARLY RELEASE	TC 3
02/06/2006	Muvunyi	ICTR-00-55A-0255	DECISION ON MUVUNYI'S MOTION FOR REJOINER WITNESS PURSUANT TO RULE 85	TC 2
02/06/2006	Nyiramasuhuko et al.	ICTR-98-42-0542	DECISION ON NTAHOBALI'S MOTION FOR CERTIFICATION TO APPEAL THE CHAMBER'S DECISION GRANTING KANYABASHI'S REQUEST TO CROSS-EXAMINATION NTAHOBALI USING 1997 CUSTODIAL INTERVIEWS	TC 2
02/06/2006	Bagaragaza	ICTR-05-86-0025	ORDER ASSIGNING JUDGES TO A CASE BEFORE THE APPEALS CHAMBER	TC 3
05/06/2006	Muvunyi	ICTR-00-55A-0256	DECISION ON MUVUNYI'S MOTION TO INCLUDE ALL TESTIMONY OF WITNESS AOG/D/X/006 IN THE APPELATE RECORD	TC 2
06/06/2006	[Military I] Bagosora et al.	ICTR-98-41-1198	DECISION ON NSENGIYUMVA MOTION FOR LEAVE TO AMEND ITS WITNESS LIST	TC 1
07/06/2006	Karemera et al.	ICTR-98-44-2379	DECISION ON DEFENCE MOTIONS FOR CERTIFICATION TO APPEAL DECISION GRANTING SPECIAL PROTECTIVE MEASURES FOR WITNESS ADE	TC 3
07/06/2006	Bikindi	ICTR-01-72-0110	DECISION ON THE PROSECUTOR'S MOTION FOR PROTECTIVE MEASURES	TC 3
07/06/2006	Ndindiliyimana et al.	ICTR-00-56-0626/1	DECISION ON NZUWONEMEYE'S MOTION REQUESTING COOPERATION FROM THE GOVERNMENT OF BELGIUM PURSUANT TO ARTICLE 28 OF THE STATUTE"	TC 2
07/06/2006	Ndindiliyimana et al.	ICTR-00-56-0626/2	DECISION SUR LA REQUETE DE NZUWONEMEYE INTITULEE REQUEST OF COOPERATION FROM THE KINGDOM OF BELGIUM PURSUANT TO ARTICLE 28 OF THE STATUTE	TC 2
08/06/2006	Serugendo	ICTR-05-84-0029	DECISION ON URGENT MOTION FOR THE DEPOSITION OF JOSEPH SERUGENDO	TC 1
08/06/2006	Seromba	ICTR-01-66-0270	DECISION RELATIVE A LA REQUETE DE LA DEFENSE AUX FINS DE REPORT DE LA DATE DU DEPOT DE SES DERNIERES CONCLUSIONS	TC 3
08/06/2006	Bagaragaza	ICTR-05-86-0026	DECISION ON THE PROSECUTION'S REQUEST FOR A SCHEDULING ORDER	TC 3
08/06/2006	Karemera et al.	ICTR-98-44-2382	DECISION ON ORAL MOTION FOR A BILL OF PARTICULARS	TC 3
09/06/2006	Karemera	ICTR-98-44-2412	DECISION RELATIVE AUX REQUETES TENDANT A OBTENIR UN REPORT DE LA DELAI	TC 3
09/06/2006	Nyiramasuhuko et al.	ICTR-97-21-0873	PROSECUTOR'S RESPONSE TO THE REQUETE EN EXTREME URGENCE D'ELIE NDAYAMBAJE AUX FINS D'EXCLURE LES TEMOIGNAGES ET/OU LES PORTIONS DE TEMOIGNAGES DES TEMOINS ENTENDUS AU PROCES SUR DES FAITS QUI SONT EN DEHORS DE L'ACTE D'ACCUSATION	TC 2
09/06/2006	Karemera et al.	ICTR-98-44-2405	DECISION ON REQUEST FOR EXTENSION OF TIME	TC 3
12/06/2006	Serugendo	ICTR-05-84-0031	JUDGEMENT AND SENTENCE	TC 1
13/06/2006	Muvunyi	ICTR-00-55A-0258	DECISION ON MUVUNYI'S MOTION TO EXCLUDE PROSECUTION EXHIBIT 33	TC 2
14/06/2006	Munyagishari	ICTR-05-89-0006	DECISION ON PROSECUTION REQUEST TO UNSEAL DOCUMENTS	TC 1
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