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**Letter dated 13 November 2013 from the President of the International Criminal Tribunal for Rwanda addressed to the President of the Security Council**

I have the honour to transmit herewith the assessments of the President and the Prosecutor of the International Criminal Tribunal for Rwanda on the implementation of the completion strategy of the Tribunal, pursuant to Security Council resolution [1534 \(2004\)](#), as at 5 November 2013.

I should be grateful if you would transmit the enclosed report to the members of the Security Council.

*(Signed)* Judge Vagn **Joensen**  
President



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## Report on the completion strategy of the International Criminal Tribunal for Rwanda (as at 5 November 2013)

[Original: English and French]

### Introduction

1. In 2003, the International Criminal Tribunal for Rwanda (“the Tribunal”) formalized a strategy (“the completion strategy”) to achieve the objectives of completing investigations by the end of 2004, all trial activities at first instance by the end of 2008 and all of its work in 2010, in accordance with Security Council resolution 1503 (2003).

2. The present report, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), provides an overview of the Tribunal’s progress to date in implementing the completion strategy, which has been continuously updated and developed since 2003.<sup>1</sup>

3. As at 5 November 2013, the Tribunal has completed its work with respect to the substantive cases at the trial level for all 93 accused indicted by the Tribunal. This includes 55 first-instance judgements involving 75 accused, 10 referrals to national jurisdictions (four apprehended accused and six fugitive cases), three top-priority fugitives whose cases have been transferred to the International Residual Mechanism for Criminal Tribunals (“the Residual Mechanism”), two withdrawn indictments and three indictees who died prior to or in the course of trial. Appellate proceedings have been concluded in respect of 46 persons. All but one of the remaining appeals will be completed in 2013 and 2014. Owing to residual delays caused by previous translation issues and other factors as described herein, the final appeal (in the *Butare* case) is projected to be completed not before the end of July 2015.

4. On 3 May 2013, the Appeals Chamber rendered a final decision upholding the referral of the case against Bernard Munyagishari to Rwanda. On 24 July 2013, Munyagishari was transferred to Rwanda, marking the completion of transfer work by the Tribunal.

5. To date, nine of the accused indicted by the Tribunal for their participation in the genocide in Rwanda remain at large. Pursuant to Security Council resolution 1966 (2010), the responsibility for the tracking and trials of all nine remains with Rwanda and the Residual Mechanism. The Residual Mechanism will retain jurisdiction over three of those indictees: Augustin Bizimana, Félicien Kabuga and Protais Mpiranya. Previously completed preservation of evidence proceedings will help ensure smooth trials of three indictees who will be tried before the Residual Mechanism upon their arrest. The cases of the remaining six fugitives have been

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<sup>1</sup> See the reports submitted to the United Nations on 14 July 2003 and 29 September 2003, in connection with General Assembly resolution 57/289 and the Tribunal’s request to increase the number of ad litem judges sitting “at any one time”. Completion strategy reports were submitted to the President of the Security Council on 30 April 2004, 19 November 2004, 23 May 2005, 30 November 2005, 29 May 2006, 8 December 2006, 31 May 2007, 20 November 2007, 13 May 2008, 21 November 2008, 14 May 2009, 9 November 2009, 25 May 2010, 1 November 2010, 12 May 2011, 4 November 2011, 11 May 2012, 5 November 2012 and 10 May 2013.

referred to Rwanda; the Residual Mechanism will continue to assist with tracking efforts with respect to those fugitives.

6. The transition to the Residual Mechanism and plans for closure of the Tribunal continue to draw ever nearer to completion. Most judicial and prosecutorial functions have already been handed over to the Residual Mechanism, and administrative services are being provided to it by the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia, with the transition taking place on a continuous basis as the Residual Mechanism is able to support itself in various administrative functions.

## **I. Activities in Chambers**

### **A. Activities at first instance**

7. This report covers the period from 11 May to 5 November 2013. With the substantive work at the trial level now complete, the Tribunal remains with three contempt of court/false testimony cases where orders in lieu of indictments were confirmed before 30 June 2012. In all three cases the accused remain at large.

8. The major challenge for the coming months remains the continued preparation of archives for the handover to the Residual Mechanism amid the continued departure of key staff. Despite persistent staffing challenges which led to delays as described herein, this report shows that the Tribunal remains with only appellate work and the continuation of the transition to the Residual Mechanism going forward.

#### **1. Judgements (annex I)**

9. The work at the trial level is complete. The final list of first instance judgements is contained in annex I to the present report.

#### **2. Referrals pursuant to rule 11 bis (annex II)**

10. The monitoring of all referred cases now falls under the jurisdiction of the Residual Mechanism. The Tribunal has, during the reporting period, assisted the Residual Mechanism by providing interim trial monitors. As is shown in annex II to the present report, four cases of accused indicted by the Tribunal who are in custody have been referred to national jurisdictions. The two cases referred to France are currently being monitored by a staff member of the Appeals Chamber of the Tribunal, who provides reports to the President of the Residual Mechanism. The Prosecutor of the Residual Mechanism is also monitoring the progress of these cases.

11. The two cases referred to Rwanda, *Uwinkindi* and *Munyagishari*, have been monitored on an interim basis by monitors from the Tribunal and, during the reporting period, a staff member from the Registry of the Residual Mechanism joined the interim monitoring team, which is now composed of one staff member from the Tribunal and one from the Residual Mechanism. The Tribunal has agreed to continue to oversee the administrative functions of the monitoring of the *Uwinkindi* trial in Rwanda until the end of 2013, in close coordination with the Residual Mechanism. All responsibilities for the monitoring of the *Munyagishari*

case in Rwanda have already fallen to the Residual Mechanism; however, the Tribunal is providing interim Chambers monitors who are now working closely with Residual Mechanism staff until arrangements with an organization are finalized. The Prosecutor also continues to monitor these cases closely through an independent monitor. The monitoring reports for all four accused transferred to national jurisdictions are available on the Residual Mechanism website.

### 3. Other work in the Trial Chamber

#### *Office of the President*

12. During the reporting period, the President continued to oversee the administration of the monitoring of the *Uwinkindi* case in Rwanda and, in his double-hatted role as the duty judge for the Arusha branch of the Residual Mechanism, rendered decisions on allegations of contempt and requests for reconsideration arising out of the Tribunal trial of *The Prosecutor v. Augustin Ndirabatware*. The duty judge further rendered decisions on witness protection matters, and a post-appeal request for disclosure of evidence, and issued orders to unseal and publicly file the amended indictments for two of the Tribunal-indicted fugitives, Augustin Bizimana and Protais Mpiranya. The duty judge is currently seized of two post-appeal motions arising from the Tribunal *Niyitegeka* case.

13. During the reporting period, the President consistently met, and will continue to work closely with, the Archives Unit of the Tribunal to ensure a smooth transition of all trial records and records of the Office of the President to the Residual Mechanism. The President continues to take a very active role in joint efforts with the Registrar to relocate the acquitted and released convicted persons who remain in the United Republic of Tanzania, as detailed in section II.D below.

14. The President also continues to facilitate discussions on possible solutions to the issue of reparations for victims of international crimes committed during the 1994 genocide in Rwanda. In that regard, the President recently requested the collaboration of the International Organization for Migration with the Tribunal in the creation of a project proposal for an assessment study to explore to what extent, and how, the issue of victims' reparations could be taken forward.

15. During the previous reporting period, the President chaired meetings of the Joint Coordination Council of the Tribunal and Residual Mechanism. The Joint Coordination Council is composed of the Presidents, Registrars and Prosecutor of the Tribunal and the Residual Mechanism. During the meetings, coordination of the Residual Mechanism and Tribunal policies related to the transition and coordinated budgeting for 2014-2015 were discussed and important policy decisions were reached which have had a positive impact on the transition process.

### 4. Status of fugitives (annex III)

16. As at 5 November 2013, nine fugitives indicted by the Tribunal remain at large. However, none remain within the Tribunal's purview of responsibility, since six of the nine cases have been referred to Rwanda, and the remaining three top-priority fugitives will be tried by the Residual Mechanism.

## **B. Activities at the Appeals Chamber (annex IV)**

17. As at 5 November 2013, appellate proceedings have been concluded in respect of 46 persons. During the reporting period, the Appeals Chamber was engaged in judgement deliberations and drafting in two cases concerning five persons and prepared for an appeals hearing of one case involving two persons. The Appeals Chamber also dealt with pre-appeal matters in three cases involving eight persons and rendered three decisions concerning post-appeal requests and 19 pre-appeal orders and decisions.

18. The Appeals Chamber has met its accelerated projection of delivering one judgement concerning two persons in the first quarter of 2013. One more appeal case concerning one person is expected to be disposed of by the end of 2013, four appeal judgements concerning eight persons will be delivered in 2014, and the remaining appeal judgement concerning six persons is projected to be completed around the end of July 2015.

### *Pending appeals from judgement: six cases*

19. The trial judgement in the *Ndindiliyimana et al. (Military II)* case was rendered on 17 May 2011 and issued in writing on 17 June 2011. All five parties (the four convicted persons and the prosecution) appealed. The briefing concluded in May 2012, the appeals were heard in May 2013, and judgement deliberations and drafting are in progress. In view of the ongoing deliberations, it is anticipated that this judgement will be delivered in February 2014 rather than by the end of 2013 as previously projected.

20. The trial judgement in the *Nyiramasuhuko et al. (Butare)* case was rendered on 24 June 2011 and issued in writing on 14 July 2011. All seven parties (the six convicted persons and the prosecution) appealed. Owing to their inability to work in English, the language in which the trial judgement was issued, all six convicted persons were granted extensions of time to file their appeal briefs after receiving the French translation of the trial judgement. The convicted person concerned by the prosecution's appeal was also granted an extension of time to file his response brief after receiving the translation. The initial completion projections in this case were based on the original notices of appeal and the expedited projection for availability of the French translation of the trial judgement at the end of August 2012. However, the French translation of the trial judgement was only completed and served on the parties at the beginning of February 2013, occasioning a five-month delay in the filing of the appeal briefs of the six convicted persons and of the response brief to the prosecution's appeal. In addition, four of the six convicted persons have requested and have been granted leave to expand the scope of their appeals by adding new allegations of errors. As a result, the prosecution received an extension of time to respond to the expanded appeals. The briefing of the appeal submissions in this case was therefore completed only in October 2013. The projected delivery of the appeal judgement in July 2015 at the earliest reflects the delays in the briefing schedule, the fact that the scope of the appeals in this case has expanded since the initial notices of appeal, and the very voluminous and complex pre-appeal litigation that has occupied the judges and legal team in recent months.

21. The trial judgement in the *Ndahimana* case was rendered on 17 November 2011 and issued in writing on 18 January 2012. Both the defence and the

prosecution filed their notices of appeal in February 2012. The briefing in this case concluded in February 2013, the appeals were heard in May 2013, and judgement deliberations and drafting are in progress. It is anticipated that this judgement will be delivered in December 2013.

22. The trial judgement in the *Karemera & Ngirumpatse (Government I)* case was rendered on 21 December 2011 and issued in writing on 2 February 2012. All three parties (both convicted persons and the prosecution) filed their notices of appeal in March 2012, and the briefing concluded in March 2013. The appeals are presently being prepared for a hearing which is anticipated to be held in February 2014.

23. The trial judgement in the *Nzabonimana* case was rendered on 31 May 2012 and issued in writing on 25 June 2012. Both the defence and the prosecution filed notices of appeal and the briefing concluded at the end of September 2013. The appeals in this case are presently being prepared for a hearing.

24. The trial judgement in the *Nizeyimana* case was rendered on 19 June 2012 and issued in writing on 22 June 2012. Both the defence and the prosecution filed notices of appeal and the briefing concluded in October 2013. The appeals in this case are presently being prepared for a hearing.

## **II. Measures implementing the completion strategy**

25. The following section supplements prior reports and highlights essential elements of the Tribunal's efforts to comply with its completion strategy.

### **A. Judicial calendar and management of proceedings**

26. The Tribunal has now completed all trial work, as projected, before the end of 2012. The Appeals Chamber met its accelerated projection of delivering one judgement in the first quarter of 2013, and one appeal judgement is expected to be delivered by the end of 2013. The other remaining Tribunal appeals are on track to be completed before the end of 2014, save for the *Butare* appeal, for which judgement delivery is now expected in 2015.

27. During the reporting period, the President remained in contact and requested frequent updates regarding the status of the *Butare* appeal. In the most recent update, the Presiding Judge indicated that the magnitude of pre-appeal work, which had far exceeded expectations, and the loss of experienced staff members assigned to the case continued to impact the timeline for completion of the case. The Presiding Judge has requested that additional and necessary resources be allocated, mainly in the form of several experienced legal officers to assist the *Butare* drafting team. This request has already been approved by the Registrar, who has indicated that the necessary resources can be provided within the Tribunal's 2014-2015 budget requests.

28. Moreover, in order to continue to work towards advancing completion of the *Butare* case, the Presiding Judge held a status conference in May 2013 aimed at streamlining the consideration of several motions in order to facilitate more efficient disposal of voluminous pre-appeal work. In addition, the Appeals Chamber has taken steps to continuously follow up with the translation unit to accelerate the

translation of pre-appeal documents for which the parties require translation. At the same time, the *Butare* drafting team consists of staff members who are able to work in both English and French, which facilitates preliminary work on submissions from the parties without awaiting translations. The President and the Registrar will continue to work closely with the Presiding Judge on the *Butare* case to ensure that all available measures are taken to expedite the appeals work in this case without compromising the rights of the parties.

29. The Tribunal continues to make progress towards completing its mandate. As detailed in section III below, all organs are working diligently to facilitate the closing of the Tribunal and the transition to the Residual Mechanism.

## **B. Judges and staff management**

### **1. Judges**

30. Currently, 11 permanent judges are working in the Appeals Chamber and one ad litem judge (the President) is working in the Trial Chamber of the Tribunal.

31. On 31 May 2013, Judge Andréia Vaz resigned from her position as permanent judge of the Appeals Chamber. At the time of her resignation, Judge Vaz sat on 10 appeals. Therefore, considering the workload remaining to be completed by the Appeals Chamber, the President requested, in accordance with article 12 bis of the Statute of the Tribunal, that the Secretary-General appoint a replacement judge to serve the remainder of Judge Vaz's term. The Secretary-General appointed Mandiaye Niang of Senegal as a permanent judge of the Tribunal to replace Judge Vaz. This appointment took effect from 11 September 2013 and lasts until 31 December 2014, or until the completion of the cases to which he is assigned, if sooner. I wish to take this opportunity to welcome Judge Niang to the Tribunal. We are quite confident that his previous Tribunal experience will play a crucial role in his ability to contribute to the remaining appeals work without delay.

### **2. Staff management and budget**

32. The downsizing process that began in 2008-2009 continues in 2012-2013 with the proposed abolition of 212 posts, representing 34 per cent of the 628 posts authorized for 2010-2011. A mechanism designed to identify which individual staff members are to be separated as part of the downsizing process in a fair and transparent manner has been put in place in consultation with the staff association and is being used on an ongoing basis.

33. The downsizing process continues to affect managers' ability to perform their regular functions, which consequently impacts programme delivery. This is compounded by the fact that the reduction in staff is causing managers and staff to be required to perform an increasing range of functions, including double-hatting functions in providing support to the Residual Mechanism. The Tribunal continues to receive the support of the Department of Management of the Secretariat, especially the Office of the Controller and the Office of Human Resources Management, to implement mitigating strategies in line with the applicable staff rules and regulations.

34. At this stage of the Tribunal's operations, the biggest human resources challenge is to provide adequate support to staff during the downsizing process in



their transition from Tribunal to other careers. Additionally, it remains a huge challenge to continue motivating the staff in order to successfully complete the remaining mandate of the Tribunal. The lack of a structured and sustainable arrangement for the Secretariat to reintegrate Tribunal staff into the wider United Nations workforce, despite their experience and qualifications, affects our ability to retain those relatively few remaining staff members required to stay on until completion of the mandate. Moreover, the inability to offer contracts of more than one year forces us to recruit using temporary job openings for which fewer United Nations staff members with the relevant United Nations experience are willing to give up their existing fixed-term contracts. The Tribunal will continue to explore with the Office of Human Resources Management the possibility of granting additional flexibility measures, within the United Nations staff rules and regulations, to assist in meeting these challenges and prevent any further delay in the completion of the Tribunal's mandate.

### **C. Work of the Office of the Prosecutor**

35. As the Tribunal enters into the final phase of its completion strategy, the Office of the Prosecutor has continued to focus its efforts on the completion of ongoing appeals, the monitoring of cases referred to national jurisdictions, transitional dispositions that will ensure a smooth transfer of functions to the Office of the Prosecutor of the Arusha branch of the Residual Mechanism, preparation of materials for archiving and multiple activities for the Prosecutor's closing report to the Secretary-General, as well as other essential legacy projects initiated over the years.

#### **1. Workload**

36. During the reporting period, the Appeals and Legal Advisory Division has been litigating 26 appeals arising from seven cases. Briefing in connection with all pending appeals is now complete, with the filing of over 1,400 pages of response and reply briefs in the past few months. Each appeal also involved the filing of a number of motions, including the filing of 26 substantive motions or oppositions to defence motions during the reporting period.

37. The Appeals Chamber affirmed the referral order in the last case slated for referral to Rwanda. Bernard Munyagishari was physically transferred to Rwanda on 24 July 2013; his case is now proceeding before the Rwandan courts. The Rwandan High Court has also scheduled the trial of Jean Uwinkindi to start on 18 November 2013. The Office of the Prosecutor continues to monitor both cases and provide ongoing support to national authorities in connection with the trials and tracking activities in the six fugitive cases (Charles Sikubwabo, Fulgence Kayishema, Ladislav Ntaganzwa, Aloys Ndimbati, Charles Ryandikayo and Phénéas Munyarugarama) that have been referred to Rwanda. The Office also continues to monitor the two cases (Laurent Bucyibaruta and Wenceslas Munyeshyaka) that have been referred to France. Despite the referral orders, the Office has been required to respond to various post-referral filings by both Munyagishari and Uwinkindi, seeking revocation or reconsideration of their referral orders. Two requests for revocation remain pending at this time.

38. Pursuant to Security Council resolution 1966 (2010), the Office of the Prosecutor continued to focus on transitional activities to ensure a smooth transfer of functions to the Office of the Prosecutor of the Arusha branch of the Residual Mechanism. It also geared its activities to ensuring an effective closure of the Tribunal at the end of its mandate. The Office provided administrative and other essential support to the Residual Mechanism on a double-hatting basis as the Residual Mechanism gradually supports itself in its various administrative and case-related functions.

39. The Information and Evidence Support Section has continued to provide substantial support to the Appeals and Legal Advisory Division in complying with the ongoing disclosure obligations of the Office of the Prosecutor pursuant to rule 68 of the Rules of the Tribunal. In this context, and with a view to ensuring the smooth transition of functions to the Residual Mechanism pursuant to Security Council resolution 1966 (2010), the Appeals and Legal Advisory Division and the Information and Evidence Support Section have jointly undertaken a comprehensive review of cases that have gone to final judgement to identify any potentially exculpatory material that has not yet been disclosed. During the reporting period, the expansion of the Office's archives facility to the former holding cell for accused during trials has been completed. The informal handover of the two facilities as well as the commencement of the transfer of temporary records from the Tribunal to the Residual Mechanism took place on 17 September 2013. A total of 22 cases measuring about 66 linear metres were transferred to the custody of the Residual Mechanism. The records consist of inactive trial and appeals cases and administration and attorney work products. The said records include materials related to *Akayesu*, *Bikindi*, *Cyangugu*, *Gacumbitsi*, *Kajelijeli*, *Kalimanzira*, *Kambanda*, *Kamuhanda*, *Kayishema & Ruzindana*, *Mpambara*, *Musema*, *Muvunyi*, *Nchamihigo*, *Ndindabahizi*, *Niyitegeka*, *Nsengimana*, *Ntakirutimana*, *Renzaho*, *Rukundo*, *Rutaganda* and *Simba*. Substantial progress continues to be made in the preparation of the Prosecutor's evidentiary holdings and records for archiving pending transfer to the Residual Mechanism upon completion of all Tribunal appeals and related litigation.

40. During the reporting period, the International Association of Prosecutors presented a special achievement award to the Office of the Prosecutor in recognition, among other things, of the significant and important work it has pursued in the fight against impunity for the most serious crimes and for taking the initiative to establish a *Manual of Best Practices* as a useful guide for national and international prosecutors around the world who may be engaged in the prosecution of international crimes. The Office actively engaged in the efficient dissemination of the *Manual of Best Practices* jointly prepared by the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia, the Special Court for Sierra Leone, the Special Tribunal for Lebanon and the Extraordinary Chambers in the Courts of Cambodia. The Office has continued work on the Prosecutor's closing report to the Secretary-General and other essential legacy products initiated over the years. A manual entitled *The Tracking and Arrest of Fugitives from International Criminal Justice: Lessons from the International Criminal Tribunal for Rwanda* was also released. A best practices manual on the investigation and prosecution of sexual and gender-based violence has also been finalized following peer review at a conference held last year in Kigali. A follow-up conference and regional training programmes are planned for January 2014. Other ongoing legacy

initiatives include projects related to recording the course of events of the 1994 Rwandan genocide on the basis of facts established by the Tribunal's judicial process and challenges regarding the referral of cases to national jurisdictions under rule 11 bis of the Tribunal rules.

## **2. Cooperation of the Office of the Prosecutor with Member States**

41. Member States have continued to intensify their cooperation with the objective of apprehending and bringing to trial, within their national jurisdictions, the Rwandan suspects appearing on the International Criminal Police Organization (INTERPOL) list of wanted fugitives. In this context, the Office of the Prosecutor continued to strengthen its cooperation with diverse States, organizations such as INTERPOL and INTERPOL national offices and to provide mutual legal assistance and information to national prosecuting authorities, including Rwanda and other countries of the Great Lakes region. In this context, the Office has provided essential support to the Residual Mechanism in a double-hatting capacity as the Residual Mechanism gradually assumes responsibility for the servicing of foreign requests for assistance and supports itself in its various other cooperation functions with Member States.

## **3. Staffing**

42. With the return of Appeals Chamber judgements and completion of other core work, such as rule 11 bis litigation and disclosure updates, an initial reduction in current staffing levels of the Office of the Prosecutor is anticipated effective 1 January 2014, followed by a larger reduction in June 2014 when additional appeals are completed. By the expected date of delivery of the Appeals Chamber judgement in the *Butare* case, the Prosecutor anticipates closing the Office and shifting any remaining functions to the Office of the Prosecutor of the Residual Mechanism, either as a core activity or through double-hatting of functions.

## **D. Cooperation between Member States and the Tribunal**

43. The Office of the Registrar continued to act as the diplomatic arm of the Tribunal as well as the channel of communication between the organs of the Tribunal. As such, the Office of the Registrar maintained high-level diplomatic contacts with Member States, international organizations and non-governmental organizations. During the reporting period, the Office of the Registrar transmitted 62 notes verbales and other correspondence related to the operations of the Tribunal, primarily to secure support and cooperation from Member States.

44. Without the enhanced cooperation of Member States in certain areas, it will be extremely difficult for the Tribunal to successfully complete its mandate. In addition to focusing on ongoing cases, cooperation also included requests for assistance in the relocation of acquitted and released persons still residing in the United Republic of Tanzania. In spite of the two Security Council resolutions calling upon Member States to assist, none have offered such assistance since the resolutions were passed. The fact that article 28 of the Statute of the Tribunal does not obligate Member States to cooperate in matters of relocation has not assisted the Tribunal. To date, seven acquitted and three released convicted persons reside in Arusha, and without assistance from Member States the Tribunal faces the prospect of an incomplete

closure if it is unable to relocate these persons. To this end, and in order to redouble relocation efforts, a strategic plan was formulated and submitted by the Registrar to the Security Council's Informal Working Group on International Tribunals on 30 May 2013. The plan has been explained in the President's six-monthly report to the Security Council on 12 June 2013 and in the Tribunal's eighteenth annual report (A/68/270-S/2013/460).

45. Since the last report and consistent with the strategic plan, the President and the Registrar have made concerted efforts to relocate the acquitted and released persons outside of the United Republic of Tanzania, but with very little success. The President met with representatives of nine European countries during meetings in North America and Europe while the Registrar visited four countries in Africa and two in Europe to present the idea of relocation of one or more acquitted or released persons. The President and Registrar briefed the Member States on the serious challenges facing the Tribunal in terms of relocation, outlined the strategic plan and appealed for their assistance in accepting one or more acquitted or released persons currently residing in the United Republic of Tanzania.

46. The Office of the United Nations High Commissioner for Refugees and the International Organization for Migration have also been briefed on the situation and have offered their assistance in the implementation of the strategic plan. In the meantime, these 10 individuals remain on Tanzanian territory without identity documents, or proper immigration status and without any means of survival. In light of the imminent closure of the Tribunal and the insufficient level of voluntary cooperation from Member States, the Tribunal once again calls upon the urgent assistance of the Security Council to find a sustainable solution to this issue.

47. The Registrar, in continuing to provide assistance to the Residual Mechanism, visited Dakar from 3 to 12 June 2013, together with the Registrar of the Residual Mechanism, to address the need of the latter for additional prison cells as part of its function of enforcement of sentences. The resources for the refurbishment or construction of the required eight prison cells in Senegal have remained in the 2012-2013 biennium budget, thus necessitating action by the Tribunal.

48. On 4 and 5 November 2013, the Presidents, the Prosecutor and representatives of the Registrars of the Tribunal and the Residual Mechanism visited Rwanda to meet with senior Government officials. This was the first joint visit by the Tribunal and the Residual Mechanism to Rwanda. During the visit, the delegation met with Chief Justice Sam Rugege, President of the High Court Charles Kaliwabo, Attorney-General and Minister of Justice Busingye Johnston and Prosecutor-General Richard Muhumuza. The officials of the Tribunal and the Residual Mechanism provided a briefing on the status of the Tribunal's remaining work and sought to clarify the status of the ongoing transition of responsibilities from the Tribunal to the Residual Mechanism. They also discussed the importance of continuing cooperation and communication between Rwanda and the two United Nations institutions, including in relation to regular exchanges of information, sharing of practical expertise and the critical issue of tracking and apprehending the remaining nine fugitives indicted by the Tribunal, three of whom are expected to be tried by the Residual Mechanism and six by Rwanda.

## **E. Outreach and capacity-building**

49. During the reporting period, the Tribunal continued to implement major outreach programmes. In this task the Tribunal offices in Arusha, the Information and Documentation Centre in Kigali (“Umusanzu”) and the 10 additional provincial mini-information centres located across Rwanda continued to play a key role in information dissemination, improved communication and access to the jurisprudence of the Tribunal and other legal materials. In Rwanda, the centres were visited daily by members of the Rwandan judiciary, students, researchers and the public who were provided with informative materials and access to briefings, training, library services, video screenings and the Internet. The Arusha office attracted a total of 480 visitors, including 169 dignitaries, while the Kigali Umusanzu Centre received nearly 42,000 visitors and the provincial mini-information centres attracted approximately 23,000 visitors. These visitors included high-level United Nations and government officials, academics, civil society members, non-governmental organizations and the general public.

50. The Tribunal also continued to disseminate information to all national, regional and international stakeholders, and organized several awareness-raising exhibitions and workshops in Arusha, Dar es Salaam, the United Republic of Tanzania, Nairobi and Kigali. Also, more than 4,200 copies of the Tribunal’s cartoon book entitled “100 Days in the Land of the Thousand Hills”, which informs and teaches youth about genocide, its causes and dynamics, and in particular the Rwandan genocide and the concept of “never again” becoming a reality, were distributed in the United Republic of Tanzania, Kenya, Uganda, Burundi and Rwanda. This was part of a major youth sensitization project conducted by the Tribunal and supported by Germany and the United Nations Office in Nairobi in the Great Lakes region, which also included an essay and drawing competition involving more than 100 schools.

51. During the reporting period, the Outreach Team of the Tribunal in Kigali also engaged in several outreach activities. The Team continued countrywide implementation of the genocide awareness-raising workshops funded by the Department of Public Information of the Secretariat, covering nine secondary schools and two demobilization, solidarity and reintegration camps in six districts. Some 15,800 teachers, students and ex-combatants participated in the programme. During their November 2013 visit to Rwanda (see para. 48 above), members of the joint delegation of the Tribunal and the Residual Mechanism also held a discussion with graduate students in the Genocide Studies and Prevention Programme at the National University of Rwanda.

## **III. Transition to the International Residual Mechanism for Criminal Trials**

52. In compliance with Security Council resolutions [2054 \(2012\)](#) and [2080 \(2012\)](#), this section details the efforts made during the reporting period in the transition to the Residual Mechanism, including projections, with projected dates where possible, for the handover of functions.

## A. Judicial functions

53. Security Council resolution 1966 (2010) and the transitional arrangements annexed thereto mandate a coordinated transition of the judicial functions of the Tribunal to the Residual Mechanism on 1 July 2012 or as soon thereafter as possible.

54. Pursuant to article 2 of the transitional arrangements, any appeals filed with respect to Tribunal decisions or judgements after 1 July 2012 fall under the responsibility of the Residual Mechanism. As a result, the Residual Mechanism has competence over one appeal from a Tribunal judgement, in the *Ngirabatware* case. In accordance with its Statute and the transitional arrangements, the Residual Mechanism is now also responsible for requests for review of Tribunal judgements, trials for contempt of court or false testimony where the indictment is confirmed on or after 1 July 2012, and the trials of three of the remaining Tribunal fugitives once arrested. The duty judge of the Arusha branch of the Residual Mechanism (double-hatted Tribunal President Vagn Joensen) has already handled several confidential motions with respect to the three Residual Mechanism fugitive cases and during the reporting period issued orders to unseal and publicly file the amended indictments for two of the Tribunal-indicted fugitives: Augustin Bizimana and Protais Mpiranya. Supervision of the enforcement of sentences has also already been handed over to the President of the Residual Mechanism.

55. The Residual Mechanism has also been handling requests for assistance by national authorities and other motions from the trials and appeals of the Tribunal. The Residual Mechanism has rendered decisions on a post-appeal request for disclosure of evidence, a request for variation of protective measures, a request for early release and various appeal motions from the *Ngirabatware* case. On 22 and 23 October 2013, the President of the Residual Mechanism also assigned the duty judge to rule on two post-appeal motions stemming from the *Niyitegeka* case of the Tribunal.

56. As previously reported, the Trial Chamber of the Tribunal rendered oral judgement in the *Ngirabatware* case on 20 December 2012 and the written judgement was issued on 21 February 2013. On 9 April 2013, the notice of appeal in the *Ngirabatware* case was filed with the Mechanism, making it the first appeal from a judgement in a case of the international tribunal for Rwanda or the international tribunal for the former Yugoslavia to be handled by the Residual Mechanism. On the same day that the Trial Chamber issued the written judgement in the *Ngirabatware* case, it also rendered a decision ordering the prosecution by the Mechanism of two individuals for contempt of the Tribunal for alleged improper conduct related to witnesses in the *Ngirabatware* trial. Numerous motions related to this were assigned to the duty judge of the Arusha branch of the Residual Mechanism, all of which were disposed of on or before 17 July 2013.

## B. Office of the President

57. Pursuant to article 6 of its Statute, the Residual Mechanism is responsible for issues related to cases referred by the Tribunal to national courts, such as the monitoring of cases (with the assistance of international or regional organizations) and consideration of revocation. During the reporting period, the Registrar and

President of the Tribunal continued to oversee the administrative functions of the monitoring of the *Uwinkindi* trial in Rwanda and will do so until the end of 2013, in close coordination with the President and Registrar of the Residual Mechanism. The Residual Mechanism has assumed all responsibilities for the monitoring of the *Munyagishari* case in Rwanda, save for the fact that the Tribunal is providing interim monitors, who are now working closely with the staff of the Residual Mechanism while arrangements with an organization are finalized. The Residual Mechanism has also assumed responsibility for monitoring of the two Tribunal cases referred to France.

58. As described in section II.D above, the Tribunal continues to work hard to relocate individuals acquitted and those persons who have completed their sentences in the United Republic of Tanzania in order that they may resume their lives. The United Republic of Tanzania has been most gracious in allowing these individuals to remain in Arusha under protection of the Tribunal while it seeks their relocation to third countries. For as long as such persons remain in the United Republic of Tanzania under the care of the Tribunal, the Tribunal will also consider it incumbent to find countries to which to relocate these persons. In this respect, and in order to complement the efforts which have been undertaken by the President and the Registrar in light of the imminent closure of the Tribunal, the President of the Residual Mechanism is assisting with diplomatic efforts to relocate these persons with the hope that all relocation can be concluded before the Tribunal closes.

### C. Registry

59. Most functions earmarked in Security Council resolution [1966 \(2010\)](#) for transfer to the Tribunal branch of the Residual Mechanism, including the enforcement of sentences, assistance to national authorities, the protection of witnesses in completed cases and the tracking of the remaining three top-priority fugitives, were immediately transferred to the Residual Mechanism upon the inception of that branch. In view of the fact that the Tribunal is still in the process of completing its mandate, it was understood that other functions will be transferred gradually to the Residual Mechanism once they are no longer critical for the completion of the work of the Tribunal. These include the transfer of Tribunal records with long-term or permanent retention value for management by the Tribunal branch, the provision of health services and security, financial management and the management of human resources.

60. The budget proposal for the biennium 2014-2015 has been prepared in line with projections in the Tribunal's completion strategy. The latest version of the completion strategy was communicated to Member States in June 2013. The request for resources for the 2014-2015 biennium was prepared following in-depth consultations among the officials of the tribunals for the former Yugoslavia and Rwanda and the Residual Mechanism in order to ensure that the resource requirements of the two tribunals and the Residual Mechanism are well harmonized so as to avoid duplications, enhance consistency and promote complementarities.

61. The Language Services Section of the Tribunal has continued to provide assistance to the Arusha branch of the Mechanism in the translation of judicial filings and official documents, in spite of the large number of Tribunal appeals-related documents and appeals judgements of the Tribunal that are being translated.

The Tribunal has also continued to translate all documents required for judicial processes, including those designated to ensure that fair trial rights are observed, and will also continue to translate documents for archiving purposes until its closure upon delivery of the *Butare* appeals judgement.

#### **D. Division of Administrative Support Services**

62. The Division of Administrative Support Services has continued to provide administrative support to all organs of the Tribunal and, in conjunction with the International Tribunal for the Former Yugoslavia, to the Residual Mechanism. The following activities took place during the reporting period with respect to the downsizing of the Tribunal.

63. The Human Resources and Planning Section continued to administer staff entitlements as well as offer training and counselling to staff members. The section is continuously reviewing and updating the separation process in order to hasten the delivery of end-of-service benefits to separating staff members. The Career Resource Centre also continued to provide training on preparation of curricula vitae, the use of the United Nations Inspira recruitment system and preparation for interviews, as well as preparing staff for the transition to other jobs after the Tribunal. It is worth noting that a good part of the function of the Human Resources and Planning Section involved the administering of staff entitlements and recruitment of staff members for the Residual Mechanism.

64. The Security and Safety Section continued to support the Tribunal by ensuring the safety and security of its staff, premises assets and operations through implementation of United Nations Security Management System policies. Close collaboration was promoted with host Government authorities in Rwanda and the United Republic of Tanzania. The Section continued to monitor security trends and to ensure appropriate measures against threats existing in the operating environment. It contributed to planning activities for the commencement of the Residual Mechanism in accordance with arrangements agreed between the two institutions.

65. The General Services Support Section continued with the services already provided, but at a much scaled down rate. The section was reorganized to rationalize the functions of the various units. The Assets Management Unit has been strengthened to help accelerate the disposal of assets. Efforts to scale down the provision of services in-house have continued, the latest being the introduction of fuel cards in place of running a fuel depot. A number of offices formerly occupied by Tribunal staff have been returned to the Arusha International Conference Centre in light of the staffing reductions. This has made it possible to consolidate most of the sections in the Kilimanjaro wing of the Conference Centre compound. The temporary archives facility has been handed over to the Residual Mechanism. In Kigali, the Residual Mechanism and the remaining Tribunal staff have been accommodated in new, significantly smaller premises. Writing off of surplus items as part of the liquidation plan is continuing in earnest. A new site for the setting up of a prison facility for use by the Tribunal and the Residual Mechanism in Senegal has been identified and work is proceeding on the design and cost estimates.

66. The Finance and Budget Section has been preparing payments for separating staff while monitoring the rational use of funds in accordance with the approved



budget. The section is also leading the Tribunal's preparation for the implementation of the International Public Sector Accounting Standards in 2014, with particular emphasis on the review of property, plant and equipment, outstanding receivables and liabilities and the management of obligations.

67. The Information Technology Services Section continues to support the downsizing activities and strengthen information technology infrastructure and processes in preparation for transfer to the Residual Mechanism. This entails support of staff office relocation, liquidation of old assets and provision of supplementary services and training to mitigate the effect of skills attrition among business process owners and operators. Lower-cost technologies were introduced in Kigali to scale proportionately to the much-reduced total staffing level of the Residual Mechanism and the Tribunal in that office. Additionally, a new security communication network for use in emergency situations by all United Nations agencies in the Arusha/Moshi region was built using pre-existing equipment and resources.

68. The Health Services Unit continues to provide basic and specialized health services to its clients, including the staff members of the Tribunal and the Residual Mechanism and their dependants; detainees, released and acquitted persons; witnesses and victims; interns and visitors; and non-United Nations staff such as contractors, labourers and cleaners. Hospitalization is outsourced from facilities in Arusha and the relevant authorized locations for medical evacuation. The unit will continue to provide its clients on a daily basis with medical care, vaccinations, counselling, health education and medico-administrative services.

69. The Procurement Unit has been moved to the immediate office of the Chief of Administrative Support Services for closer monitoring and supervision considering its importance and role in the liquidation of assets for the Tribunal and data cleansing to implement Umoja. In tandem with that, procurement activities in support of the Residual Mechanism have increased.

70. All services described above are projected to remain the responsibility of the Tribunal until its closure upon delivery of the *Butare* judgement in 2015, after which the Residual Mechanism has agreed to provide administrative support to the Tribunal's liquidation team.

## **E. Office of the Prosecutor**

71. During the reporting period, a number of designated professional staff of the Office of the Prosecutor of the Tribunal have been simultaneously performing related activities for the Mechanism in order to gradually make it fully operational. These activities include tracking operations, work within the immediate office of the Prosecutor and the handling of appeal of the Residual Mechanism. For example, staff members of the Appeals and Legal Advisory Division continued conducting the appeal before the Appeals Chamber of the Residual Mechanism in respect of the Tribunal decision to transfer the fugitive case of *Munyarugarama* to Rwanda for trial and continued providing support to the ad hoc team of the Residual Mechanism prosecuting the *Ngirabatware* appeal and related litigation. An ad hoc team continued assuming primary responsibility for defending the *Ngirabatware* trial judgement on appeal. Additionally, during the reporting period, the same division, in a double-hatting capacity, continued handling a motion for reconsideration and

interlocutory appeal in connection with the decision of the single judge of the Residual Mechanism holding that the Trial Chamber of the Tribunal lacked jurisdiction to initiate contempt proceedings against Deogratias Sebureze and Maximilien Turinabo.

72. While Residual Mechanism staff already have access to the relevant records of the Office of the Prosecutor of the Tribunal, the full archives of the Office of the Prosecutor are expected to be transferred to the Residual Mechanism upon completion of all Tribunal appeals and related litigation. In the meantime, as the Residual Mechanism archives gradually continue to be fully established, materials no longer in active use will be transferred on an ongoing basis and Tribunal staff will be double-hatting. Coordination and close cooperation with the international tribunals for the former Yugoslavia and Rwanda continued to ensure that the Residual Mechanism operates smoothly despite its current limited resources.

73. The recruitment process continued for the Office of the Prosecutor of the Residual Mechanism and the full complement of staff is expected to be on board by the end of 2013.

## **F. Archives**

74. The transfer of the archives to the Residual Mechanism remains a critical function of the Tribunal. The Tribunal is happy to report progress in this area. Since the last report, the Tribunal has completed three temporary archives facilities and handed them over to the Residual Mechanism together with some of the Tribunal records that have already been prepared for management by the Residual Mechanism. This includes 372 linear metres of physical records, which consist of approximately 1,600 boxes of judicial records, administrative records and trial team files from the Office of the Prosecutor. During the reporting period, pursuant to article 20 of the Residual Mechanism Statute and article 5 of the transitional arrangements, the Tribunal has continued to prepare and transfer to the Residual Mechanism confidential files of witnesses in completed cases. The redaction of master audiovisual records of court proceedings is still ongoing.

75. The Tribunal continues with the preparation of its records for transfer to and management by the Residual Mechanism. It is working very closely with the Residual Mechanism in this regard, especially to ensure that the records are prepared in a manner that will facilitate their effective management after transfer. In spite of the vast challenges presented by the volume and nature of the records as well as the fact that some of the records are still active and can therefore not yet be prepared for transfer to the Residual Mechanism, the Tribunal remains hopeful that the preparation and transfer of its records will be completed before it closes.

## **IV. Conclusion and updated prognosis regarding the implementation of the completion strategy**

76. During the reporting period, judicial and legal activity was focused on the ongoing work on the appeals. The Tribunal has completed all work at the trial level, has successfully disposed of all referral applications and concluded all evidence preservation hearings. The Tribunal is now left with no remaining substantive trials

under its auspices, leaving only the appeals cases to be completed. The focus of administrative energies has remained on downsizing and providing the support necessary for the Residual Mechanism, while still providing continued support for the remaining judicial and legal work of the Tribunal. Current projections for transfer of administrative services to the Residual Mechanism indicate that it should begin to reduce its reliance on the administration of the Tribunal in 2014. The handover of judicial responsibilities to the Residual Mechanism is almost complete, with the first Residual Mechanism appeal from a Tribunal judgement currently under way. The Tribunal continues the process of transferring records and archives to the Residual Mechanism, and handed over three temporary archives storage facilities to the Residual Mechanism in September and October 2013. A smooth transition of prosecutorial tasks also remains on track.

77. While it must be recalled that possibilities exist for contempt/false testimony cases to be heard by the Tribunal in the three cases where indictments were confirmed before 1 July 2012, each could commence swiftly upon arrest and be completed quickly. Thanks to the tireless work and dedication of the Tribunal staff, except for the initial slip in projection for completion of the *Butare* judgement, all other appeal judgements remain on track for completion before the end of 2014, and the *Butare* appeal judgement remains projected to be delivered in 2015.

78. While the legacy of the Tribunal is still being written, and will continue to evolve with the transition to the Residual Mechanism, it is important to recall that the Tribunal would be unable to complete its mandate without the past and continued support of Member States. The lessons learned in terms of international cooperation between the Tribunal and Member States, which allowed the Tribunal to carry out its judicial functions, form a central part of the legacy of the Tribunal as mutual assistance and international cooperation will continue to play a critical role in the management of all international courts and national courts trying crimes of an international nature. The lessons learned from the Tribunal are vast and will allow current and future international courts and national jurisdictions to learn from the successes and failure of the Tribunal, and, as such, the Tribunal will remain as a symbol of the international commitment to the fight against impunity.

## Annex I

**Trial judgements delivered as of 5 November 2013:  
55 judgements concerning 75 accused**

<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Trial judgement</i>
1	J.-P. Akayesu	<i>Bourgmestre</i> of Taba	30 May 1996	I	2 September 1998
2	J. Kambanda	Prime Minister	1 May 1998	I	4 September 1998 (guilty plea)
3	O. Serushago	Businessman, <i>Interahamwe</i> leader	14 December 1998	I	5 February 1999 (guilty plea)
4	C. Kayishema	<i>Préfet</i> of Kibuye	31 May 1996	II	21 May 1999 (joinder)
	O. Ruzindana	Businessman	29 October 1996		
5	G. Rutaganda	Businessman, Second Vice-President of <i>Interahamwe</i>	30 May 1996	I	6 December 1999
6	A. Musema	Businessman	18 November 1997	I	27 January 2000
7	G. Ruggiu	Journalist, Radio-télévision libre des mille collines	24 October 1997	I	1 June 2000 (guilty plea)
8	I. Bagilishema	<i>Bourgmestre</i> of Mabanza	1 April 1999	I	7 June 2001
9	G. Ntakirutimana	Doctor	2 December 1996	I	21 February 2003 (joinder)
	E. Ntakirutimana	Pastor	31 March 2000		
10	L. Semanza	<i>Bourgmestre</i> of Bicumbi	16 February 1998	III	15 May 2003
11	E. Niyitegeka	Minister of Information	15 April 1999	I	15 May 2003
12	J. Kajelijeli	<i>Bourgmestre</i> of Mukingo	19 April 1999	II	1 December 2003
13	F. Nahimana	Director, Radio-télévision libre des mille collines	19 February 1997	I	<i>Media</i> case (joinder)
	H. Ngeze	Kangura Editor	19 November 1997		
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998		
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	II	22 January 2004

<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Trial judgement</i>
15	A. Ntagerura	Minister of Transport	20 February 1997	III	Cyangugu case (joinder) 25 February 2004
	E. Bagambiki	<i>Préfet</i> of Cyangugu	19 April 1999		
	S. Imanishimwe	Lieutenant in the Forces armées rwandaises	27 November 1997		
16	S. Gacumbitsi	<i>Bourgmestre</i> of Rusumo	20 June 2001	III	17 June 2004
17	E. Nindabahizi	Minister of Finance	19 October 2001	I	15 July 2004
18	V. Rutaganira	<i>Conseiller</i> of Mubuga	26 March 2002	III	14 March 2005 (guilty plea)
19	M. Muhimana	<i>Conseiller</i> of Gishyita	24 November 1999	III	28 April 2005
20	A. Simba	Lieutenant-Colonel in the Forces armées rwandaises	18 March 2002	I	13 December 2005
21	P. Bisengimana	<i>Bourgmestre</i> of Gikoro	18 March 2002	II	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, Radio-télévision libre des mille collines	30 September 2005	I	12 June 2006 (guilty plea)
23	J. Mpambara	<i>Bourgmestre</i> of Rukara	8 August 2001	I	12 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	II	12 September 2006
25	A. Rwamakuba	Minister of Education	7 April 1999	III	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	III	13 December 2006
27	J. Nzabirinda	Youth organizer	27 March 2002	II	23 February 2007 (guilty plea)
28	J. Rugambarara	<i>Bourgmestre</i> of Bicumbi	15 August 2003	II	16 November 2007 (guilty plea)
29	GAA	Witness before Tribunal proceedings	10 August 2007	III	4 December 2007 (contempt of Tribunal)
30	F. Karera	<i>Préfet</i> of Kigali	26 October 2001	I	7 December 2007
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	III	24 September 2008
32	S. Bikindi	Musician	4 April 2002	III	2 December 2008

<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Trial judgement</i>
33	P. Zigiranyirazo	Businessman	10 October 2001	III	18 December 2008
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	I	<i>Military I</i> case (joinder) 18 December 2008
	G. Kabiligi	Brigadier-General in the Forces armées rwandaises	17 February 1998		
	A. Ntabakuze	Forces armées rwandaises Battalion Commander	24 October 1997		
	A. Nsengiyumva	Lieutenant-Colonel in the Forces armées rwandaises	19 February 1997		
35	E. Rukundo	Chaplain	26 September 2001	II	27 February 2009
36	C. Kalimanzira	Directeur de Cabinet of the Ministry of the Interior	14 November 2005	III	22 June 2009
37	L. Nshogoza	Former Defence Investigator	11 February 2008	III	2 July 2009 (contempt of court case)
38	T. Renzaho	<i>Préfet</i> of Kigali-ville	21 November 2002	I	14 July 2009
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	III	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	I	17 November 2009
41	T. Muvunyi	Interim Commander, École des sous-officiers Camp	8 November 2000	III	11 February 2010 (retrial)
42	E. Setako	Lieutenant-Colonel	22 November 2004	I	25 February 2010
43	Y. Munyakazi	<i>Interahamwe</i> leader	12 May 2004	I	30 June 2010
44	D. Ntawukulilyayo	<i>Sous-préfet</i> of Butare prefecture	10 June 2008	III	3 August 2010
45	G. Kanyarukiga	Businessman	22 July 2004	II	1 November 2010
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	II	1 December 2010
47	J.-B. Gatete	<i>Bourgmestre</i> of Murambi	20 September 2002	III	29 March 2011

<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Trial judgement</i>
48	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000	II	<i>Military II</i> case (joinder) 17 May 2011
	F.-X. Nzuwonemeye	Forces armées rwandaises Battalion Commander	25 May 2000		
	I. Saguhutu	Second-in-Command of Reconnaissance Battalion	28 November 2000		
	A. Bizimungu	Chief of Staff of the Forces armées rwandaises	21 August 2002		
49	P. Nyiramasuhuko	Minister of Family and Women's Affairs	3 September 1997	II	<i>Butare</i> case (joinder) 24 June 2011
	A. S. Ntahobali	<i>Interahamwe</i> leader	17 October 1997		
	S. Nsabimana	<i>Préfet</i> of Butare	24 October 1997		
	A. Nteziryayo	<i>Préfet</i> of Butare	17 August 1998		
	J. Kanyabashi	<i>Bourgmestre</i> of Ngoma	29 November 1996		
	E. Ndayambaje	<i>Bourgmestre</i> of Muganza	29 November 1996		
50	C. Bizimungu	Minister of Health	3 September 1999	II	<i>Bizimungu et al.</i> case (joinder) 30 September 2011
	J. Mugenzi	Minister of Commerce	17 August 1999		
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999		
	P. Mugiraneza	Minister of Civil Service	17 August 1999		
51	G. Ndahimana	<i>Bourgmestre</i> of Kivumu	28 September 2009	III	17 November 2011
52	E. Karemera	Minister of Interior, Vice-President of the Mouvement républicain national pour le développement et la démocratie (MRND)	7 April 1999	III	<i>Karemera et al.</i> case (joinder — third accused J. Nzirorera died on 1 July 2010)
	M. Ngirumpatse	General Director at Ministry of Foreign Affairs, President of MRND	7 April 1999		21 December 2011
53	C. Nzabonimana	Minister of Youth in the Interim Government	20 February 2008	III	31 May 2012

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<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Trial judgement</i>
54	I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009; further appearances 5 March 2010 and 7 October 2010	III	19 June 2012
55	A. Ngirabatware	Minister in the Interim Government	Initial appearance on 9 February 2009	II	20 December 2012

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## Annex II

### Referrals pursuant to rule 11 bis for apprehended accused: 4 cases concerning 4 accused

<i>Case No.</i>	<i>Name</i>	<i>Former title</i>	<i>Initial appearance</i>	<i>Trial Chamber</i>	<i>Status</i>
56	W. Munyeshyaka	Clergy	Not applicable (arrested in France)	Not applicable	Case transferred to France on 20 November 2007
57	L. Bucyibaruta	<i>Préfet</i> of Gikongoro prefecture	Not applicable (arrested in France)	Not applicable	Case transferred to France on 20 November 2007
58	J. Uwinkindi	Pastor, Nyamata	9 July 2010	III	Accused transferred to Rwanda on 19 April 2012
59	B. Munyagishari	Former President of <i>Interahamwe</i> for Gisenyi	20 June 2011	III	Accused transferred to Rwanda on 24 July 2013

**Annex III****Fugitives indicted by the Tribunal**

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<i>Name</i>	<i>Status as at 5 November 2013</i>
Augustin Bizimana	Residual Mechanism will be responsible for trial when arrested
Félicien Kabuga	Residual Mechanism will be responsible for trial when arrested
Protais Mpiranya	Residual Mechanism will be responsible for trial when arrested
Ladislav Ntaganzwa	Fugitive accused case referred to Rwanda
Fulgence Kayishema	Fugitive accused case referred to Rwanda
Charles Sikubwabo	Fugitive accused case referred to Rwanda
Aloys Ndimbati	Fugitive accused case referred to Rwanda
Charles Ryandikayo	Fugitive accused case referred to Rwanda
Phénéas Munyarugarama	Fugitive accused case referred to Rwanda

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**Annex IV**

**Projected appeals schedule of the International Criminal Tribunal for Rwanda  
as at 5 November 2013**

