

**Security Council**

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Letter dated 17 November 2015 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 final report of the International Criminal Tribunal for Rwanda, pursuant to Security Council resolution 1534 (2004) (see enclosure).

The enclosed report provides the most up-to-date information on the work of the Tribunal towards the completion of its mandate as at 15 November 2015, including the final schedule for the completion of judicial activities by 31 December 2015. It also contains a cumulative review of the work undertaken by the Tribunal during its 21 years of existence, including the prosecution of persons responsible for genocide and other serious violations of international humanitarian law, the administration of justice, cooperation with Member States and the transition to the International Residual Mechanism for Criminal Tribunals pursuant to Security Council resolution 1966 (2010).

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

(Signed) Judge Vagn **Joensen**
President



Enclosure

Report on the completion of the mandate of the International Criminal Tribunal for Rwanda as at 15 November 2015

[Original: English]

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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 represents the final report of the Tribunal and provides, in conjunction with previous submissions to the Security Council pursuant to resolution 1534 (2004), an overview of the progress of the Tribunal to date in implementing the completion strategy, which has continued to be updated and developed since 2003,¹ as well as a brief review of some of the most important developments that have taken place at the Tribunal over the past 21 years.

3. As at 15 November 2015, the Tribunal had completed its work at the trial level for all 93 accused indicted by the Tribunal, as detailed in the previous reports, including the transfer of its final outstanding cases to other competent judicial authorities in preparation for closure. Appellate proceedings have been concluded in respect of 55 persons, with the judgement in the *Nyiramasuhuko et al.* (“*Butare*”) case involving six persons, the sole remaining case on appeal, scheduled for delivery on 14 December 2015. The delivery of the *Butare* judgement will mark the completion of the mandate of the Tribunal to hold accountable those responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and in the territory of neighbouring States between 1 January 1994 and 31 December 1994. The Tribunal will formally close on 31 December 2015, with only liquidation activities remaining to be completed during the first half of 2016.

4. As part of its closure, the Tribunal has continued its efforts to preserve lessons learned and share best practices. Several closing events are scheduled for early December 2015 to commemorate the accomplishments of the Tribunal and mark its contributions to international justice. These events build on a rich history of outreach efforts undertaken by the Tribunal in the region and beyond.

5. The formal closure of the Tribunal will coincide with the completion of the transition of residual functions to the International Residual Mechanism for Criminal Tribunals (“the Residual Mechanism”). Pursuant to Security Council resolution 1966 (2010), the Residual Mechanism has already assumed full responsibility for monitoring cases referred to national jurisdictions for trial, tracking fugitives, responding to requests for mutual legal assistance and supervising the conditions of detention for the 28 persons presently serving sentences imposed by the Tribunal. As the Security Council anticipated, the Tribunal has supported the Residual Mechanism throughout all phases of this transition, including by providing staff and other resources to facilitate the establishment of the Arusha branch of the Mechanism in the United Republic of

¹ 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, 10 May 2013, 5 November 2013, 5 May 2014, 5 November 2014 and 5 May 2015.

Tanzania, as well as to support the one appeal from a Tribunal trial judgement, which has already been completed before the Mechanism. All remaining residual functions will be handed over to the Residual Mechanism effective 31 December 2015.

I. Criminal proceedings before the Tribunal

A. Trials and appeals from trial judgements (annex I)

6. The present report covers the period from 6 May to 15 November 2015 and highlights some of the work completed by the Trial Chambers and the Appeals Chamber throughout the Tribunal's existence. The Tribunal completed its substantive work at the trial level in 2012, which includes 55 first-instance judgements involving 75 individuals, who were tried for a multitude of crimes, including genocide, crimes against humanity, violations of article 3 common to the Geneva Conventions of 1949 and of Additional Protocol II thereto as well as contempt of the Tribunal and false testimony under solemn declaration.

7. On 24 and 25 May 1995, the General Assembly, by its decision 49/324, elected the first six judges of the Trial Chamber and five judges of the Appeals Chamber of the Tribunal and from 26 to 30 June 1995, those judges held the first plenary session of the Tribunal. On 29 June 1995, the judges adopted the Rules of Procedure and Evidence ("Rules") of the Tribunal, in accordance with article 14 of the statute, which have subsequently been amended 23 times, most recently on 13 May 2015. During the first plenary session, the judges elected the first President and Vice-President of the Tribunal while also identifying the judges assigned to Trial Chamber I and Trial Chamber II, which were established by the first statute of the Tribunal, contained in the annex to Security Council resolution 955 (1994). At the request of the Tribunal, the Council later decided, by its resolution 1165 (1998), to establish Trial Chamber III to increase the judicial capacity of the Tribunal.

8. On 28 November 1995, Judge Navanethem Pillay confirmed the first indictment submitted by the Prosecutor for judicial review at the Tribunal, concerning eight individuals suspected of having committed crimes allegedly perpetrated in Kibuye prefecture. On 11 January 1996, the Tribunal held its first public hearing when Trial Chamber II, at the behest of the Prosecutor, requested the Belgian authorities to defer three accused to the Tribunal's competence. On 30 and 31 May 1996, the initial appearance of three accused persons, Georges Anderson Rutaganda, Jean-Paul Akayesu and Clément Kayishema, marked a particularly important event as it not only represented the commencement of proceedings in their case, but also the first time that an international criminal tribunal was sitting in Africa.

9. On 9 January 1997, the Tribunal began its first trial in the *Akayesu* case and, on 9 April 1997, its first multi-accused trial in the *Kayishema et al.* case. The *Akayesu* judgement, the first trial judgement of the Tribunal, was issued on 2 September 1998. Its final trial judgement was issued on 20 December 2012 in the *Ngirabatware* case.

10. Between the *Akayesu* and *Ngirabatware* cases, the Trial Chambers heard testimony from 3,062 witnesses, with 2,407 testifying as protected witnesses and

655 testifying as non-protected witnesses. The Trial Chambers further examined approximately 20,000 exhibits and delivered judgements that included 66 convictions and nine acquittals, with Ignace Bagilishema being the first accused to be acquitted by the Tribunal on 7 June 2001. His acquittal was subsequently affirmed by the Appeals Chamber. Further, two indictments were withdrawn before trial and three indictees died before or during trial.

11. The Appeals Chamber delivered its first judgement on appeal on 6 April 2000, confirming the sentence issued by the Trial Chamber in the *Serushago* case. On 1 June 2001, the Appeals Chamber also confirmed the verdict and sentence handed down by the Trial Chamber in the *Akayesu* case. Since the *Serushago* judgement on appeal, the Appeals Chamber has delivered between one and six judgements a year, completing, on average, appeals from judgement concerning four persons a year. As at 15 November 2015, the Appeals Chamber had issued 44 appeal judgements and appellate proceedings had been concluded in respect of 55 persons, disposing of all but the *Butare* case, in which the Appeals Chamber heard oral arguments in April 2015.

12. The *Butare* case, a multi-accused case concerning six persons, represents the longest case before the Tribunal in terms of trial days and also represents the largest number of accused to be tried together. The *Butare* trial included more than 4,500 hours of proceedings over the course of 714 trial days during which the Trial Chamber heard 189 witnesses and rendered 423 decisions on 669 motions. The Trial Chamber issued its judgement on 24 June 2011, spanning more than 1,500 pages, and entered a conviction for all six accused for various crimes, including genocide and crimes against humanity. A scheduling order for the delivery of the *Butare* appeal judgement was issued on 2 November 2015 and the judgement will be delivered on 14 December 2015 in Arusha. The rendering of the judgement in the *Butare* case will culminate more than 21 years of judicial work by the Tribunal and will bring the total number of persons to have proceedings concluded on appeal at the Tribunal to 61.

13. On 29 August 2008, the Appeals Chamber ordered what would be the sole retrial at the Tribunal when it set aside all convictions and the sentence in the *Muvunyi* case. The retrial was limited to one allegation of direct and public incitement to commit genocide. Following the retrial on this allegation, the Trial Chamber convicted Muvunyi of direct and public incitement to commit genocide and the Appeals Chamber affirmed this conviction on 1 April 2011. As at 15 November 2015, the Tribunal had concluded 5,824 days of proceedings, which include initial appearances, oral hearings of motions, status conferences, judgement deliveries and appeal hearings.

14. During its mandate, the Tribunal created a substantial body of jurisprudence and rendered decisions on those accused of being among the most responsible for the genocide in Rwanda, including judgements involving the former Prime Minister, government ministers, high-ranking military leaders, such as the former Chief of Staff of the Rwandan Army, Chief of Staff of the Gendarmerie nationale, Director of Cabinet in the Rwandan Ministry of Defence as well as *préfets*, *bourgmestres*, members of the media and many other high-ranking personalities. For instance, on 2 September 1998, the Tribunal issued the first judgement by an international court on the crime of genocide, when it convicted Jean-Paul Akayesu of genocide. In rendering its judgement, the Tribunal became the first international court to interpret

the definition of genocide set forth in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The judgement was also the first acknowledgment by an international criminal jurisdiction that genocide against the Tutsi ethnic group had occurred in Rwanda in 1994. On 20 June 2006, the Appeals Chamber held in the *Karemera et al.* case that it was a fact of common knowledge that there was a genocide in Rwanda in 1994 against the Tutsi ethnic group.

15. In the Akayesu case, the Trial Chamber also defined the crime of rape as a crime against humanity and explained that the central elements of the crime could not “be captured in a mechanical description of objects and body parts”. It defined rape as “a physical invasion of a sexual nature, committed on a person under circumstances which are coercive”, and identified rape and sexual assaults as acts of genocide in so far as they were committed with the intent to destroy, in whole or in part, a targeted group, as such. The verdict marked the first conviction of rape and sexual violence as a component of genocide at an international tribunal and the Tribunal became the first international court to interpret and apply the definitions of rape and sexual violence in international law. On 1 June 2001, the Appeals Chamber confirmed the verdict and sentence handed down by the Trial Chamber.

16. The jurisprudence on sexual violence crimes was strengthened on 2 February 2012, when the Trial Chamber convicted Édouard Karemera and Matthieu Ndirumpatse, two of the highest-ranking politicians in the 1994 interim Government of Rwanda, as members of an extended form of a joint criminal enterprise. In so doing, the Trial Chamber determined that where the purpose of a joint criminal enterprise is to commit genocide, it is a natural and foreseeable consequence that the soldiers and militias who participate in the campaign of destruction will resort to rape and sexual assault unless prohibited by their superiors. The trial judgement was subsequently upheld by the Appeals Chamber on 29 September 2014.

17. On 1 May 1998, the Tribunal recorded its first guilty plea by an accused in the *Kambanda* case. Jean Kambanda, the Prime Minister of the interim Government established in Rwanda after the air crash on 6 April 1994, in which President Habyarimana was killed, pleaded guilty to all counts in the indictment against him, including those of genocide, direct and public incitement to commit genocide, complicity in genocide and crimes against humanity. In rendering its judgement on 4 September 1998, the Trial Chamber sentenced Kambanda to life imprisonment and the Tribunal became the first international tribunal since the Nuremberg and Tokyo Tribunals to issue a judgement against a Head of Government. Jean Kambanda’s guilty plea represented the first time that anyone had pleaded guilty to the crime of genocide before an international jurisdiction. The conviction was upheld by the Appeals Chamber on 19 October 2000.

18. The Tribunal further impacted the development of international criminal law by providing the first modern examination of the role of the media with respect to direct and public incitement to commit genocide. In the case commonly referred to as the “*Media case*”, the Trial Chamber convicted Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze of conspiracy to commit genocide, genocide, direct and public incitement to commit genocide and crimes against humanity. While the Appeals Chamber affirmed some convictions and reversed others, the *Media case* remains an important milestone in international law, given that it raised issues concerning the role of the media, which had not been addressed at the level of international criminal justice since Nuremberg. It is now recognized that civilians can be prosecuted for international crimes when they participate in hostilities.

B. Referrals pursuant to rule 11 bis (annex II)

19. A key component in the completion strategy of the Tribunal has been the referral of indictments to national jurisdictions for trial. The vehicle for accomplishing this was rule 11 bis of the Rules, which the judges of the Tribunal adopted in a plenary session on 5 and 6 July 2002. The rule allowed for the referral of an indictment confirmed by the Tribunal to a national jurisdiction found to be both willing and able to provide the accused with a fair trial conducted in a manner consistent with international standards. Pursuant to this rule, the Tribunal has referred a total of 10 cases to national jurisdictions, including 8 cases to Rwanda (two apprehended accused and six fugitives) and 2 cases to France.

20. In 2006, the Prosecutor submitted his first request for referral of a case involving Michel Bagaragaza to Norway. The Referral Chamber rejected the request, however, as Norwegian domestic law at that time did not criminalize genocide. The Appeals Chamber thereafter approved the referral of the *Bagaragaza* case to The Netherlands in April 2007, but the case was ultimately transferred back to the Tribunal when the Dutch courts declined jurisdiction. On 17 September 2009, Bagaragaza pleaded guilty to one count of complicity in genocide and, on 5 November 2009, the Trial Chamber sentenced Bagaragaza to eight years of imprisonment.

21. On 20 November 2007, the Tribunal granted the Prosecutor's requests to refer the cases of Laurent Bucyibaruta and Wenceslas Munyeshyaka to France. However, between 2007 and 2008, the Tribunal denied each of the Prosecutor's initial requests for the referral of cases to Rwanda owing to a number of factors, including the existence of the death penalty and concerns about the conditions of detention and judicial impartiality in Rwanda.

22. In November 2010, the Prosecutor filed a request for the referral of the case of Jean Uwinkindi, who was in the Tribunal's custody, to Rwanda. In a plenary session on 1 April 2011, the judges adopted an amendment to rule 11 bis of the Rules, allowing for a Trial Chamber to monitor, *proprio motu*, and revoke a case referred to a national jurisdiction. On 28 June 2011, after material changes to legislation in Rwanda, including the abolition of the death penalty, and the amendment to rule 11 bis, a Referral Chamber designated under rule 11 bis granted the Prosecutor's application for the referral of the *Uwinkindi* case to Rwanda, which was confirmed on appeal on 16 December 2011. Jean Uwinkindi became the first accused in the custody of the Tribunal to be transferred to Rwanda for trial. On 6 June 2012, a Referral Chamber ordered the referral of Bernard Munyagishari, who was also in the custody of the Tribunal, to Rwanda. This decision was affirmed by the Appeals Chamber on 3 May 2013.

23. In 2012, the Tribunal further referred six cases of fugitive accused to Rwanda for trial. That same year, the President issued warrants of arrest and orders for the surrender and transfer of these six fugitive accused to Rwanda. Upon transfer, Rwanda assumed primary responsibility for the tracking and arrest of these fugitives, with ongoing support from the Office of the Prosecutor of the Residual Mechanism. As at 15 November 2015, the six fugitives whose cases had been referred to Rwanda remained at large.

24. Trial proceedings in relation to the two apprehended accused referred to Rwanda are ongoing. Proceedings in relation to the two apprehended accused referred to France remain in the pretrial or investigatory stage.

25. Pursuant to rule 11 bis, as amended in April 2011, the Prosecutor and the Chambers each appointed monitors for all referred cases. Monitoring on behalf of the Prosecutor is intended primarily to ensure effective prosecution and compliance with conditions imposed on referral. To date, monitoring services on behalf of the Prosecutor have been provided by an outside expert consultant from the region.

26. Monitoring ordered by the Chambers is intended to ensure that fair trial rights are being observed. Monitoring on behalf of the Chambers in the cases referred to Rwanda has been performed on an interim basis by staff members from the Registry and Chambers of the Tribunal, the International Tribunal for the Former Yugoslavia and the Residual Mechanism while arrangements with an international body were finalized. A staff member from the Appeals Chamber of the Tribunal continued to monitor the two cases referred to France until, on 26 October 2015, the Residual Mechanism appointed a staff member from the International Tribunal for the Former Yugoslavia to take over the interim monitoring of the two cases. Public versions of the judicial monitoring reports for all four cases transferred to national jurisdictions are filed before the President of the Residual Mechanism and are available on the website of the Mechanism.

27. In line with the transitional arrangements contained in the annex to Security Council resolution 1966 (2010), the Residual Mechanism took over the monitoring of all referred cases effective 1 July 2012.

C. Status of fugitives (annex III)

28. As noted above, six fugitive cases were among the eight cases referred to Rwanda for trial. With the referral of these cases, only three high-level fugitives from the Tribunal remained: Augustin Bizimana, Félicien Kabuga, and Protais Mpiranya. On 1 August 2012, the Prosecutor transferred the files relating to these three high-level accused to the Prosecutor of the Residual Mechanism.

29. Pursuant to Security Council resolution 1966 (2010), the Residual Mechanism now has responsibility for the tracking and arrest of these high-level fugitives. Trials in connection with these accused will be held before the Residual Mechanism.

D. Special depositions pursuant to rule 71 bis

30. To ensure that all available evidence is preserved for use at trial when these three high-level fugitives are arrested, the Tribunal, at the Prosecutor's request, conducted evidence preservation hearings in relation to each case. These proceedings were conducted pursuant to rule 71 bis of the Rules, which the judges of the Tribunal adopted at its 22nd plenary session, held on 1 October 2009. The primary objective of the rule is to allow hearings to preserve evidence while a person indicted by the Tribunal remains at large. In this way, the Tribunal has assured that crucial evidence is not lost or damaged while an accused remains a fugitive from justice. To protect the interests of the fugitive accused, the rule permits duty counsel to be appointed and participate in the proceedings.

31. In February 2011, the Prosecutor filed motions for the preservation of evidence in the *Kabuga*, *Bizimana* and *Mpiranya* cases. The same Trial Chamber designated to consider the motion pursuant to rule 71 bis, authorized the preservation of evidence by special deposition and subsequently single judges were assigned to preside over the special deposition proceedings in the three cases. Duty counsel were assigned in all three cases to represent the interests of the fugitive accused.

32. Between April and June 2012, the prosecution and duty counsel for the defence presented selected portions of evidence for preservation. The proceedings were not trials in absentia but, rather, a means of preserving evidence at risk of loss owing to the passage of time or vulnerability of witnesses. By preserving evidence in this manner, the Tribunal helped to ensure that all crucial evidence will remain available when these high-level fugitive accused are apprehended and brought to trial.

E. Overview of other work in chambers

1. Office of the President

33. Over the lifespan of the Tribunal, there have been six Presidents: Judge Laïty Kama (June 1995 to June 1999), Judge Navanethem Pillay (June 1999 to May 2003), Judge Erik Møse (May 2003 to May 2007), Judge Charles Michael Dennis Byron (May 2007 to May 2011), Judge Khalida Rachid Khan (May 2011 to March 2012) and Judge Vagn Joensen (March 2012 to December 2015). During their terms in Office, the Presidents of the Tribunal had a variety of responsibilities, both administrative and judicial, and issued orders and decisions regarding the assignment of defence counsel to indigent accused, requests made by the Registrar and, in some instances, by the parties on matters relating to State cooperation and conditions of detention, on early release, on witness protection review, on requests for referrals under rule 11 bis, on the conditions for monitoring referred cases and on enforcements of sentences. The Presidents further assigned judges and cases to Trial Chambers, in accordance with article 13 of the statute of the Tribunal.

34. In accordance with rule 19 (B) of the Rules, the Presidents, in consultation with the Bureau (whose composition and functions are described below), the Registrar and the Prosecutor also issued practice directions, including on such matters as the procedure for designation of the State in which a convicted person is to serve his/her sentence of imprisonment, on-site visits and various practice directions on the procedures for making filings before the Trial Chambers and the Appeals Chamber.

2. Inquiries under rules 77 and 91 of the Rules

35. Over the years, the Tribunal has heard claims arising from allegations of contempt of the Tribunal and false testimony under solemn declaration under rules 77 and 91 of the Rules, respectively. However, these allegations have only led to a few convictions. In one instance, the Trial Chamber accepted the guilty plea of a witness to the effect that he knowingly and wilfully gave false testimony before the Appeals Chamber in the *Kamuhanda* case upon the inducement by an investigator on Kamuhanda's defence team. The witness was convicted of contempt and giving false testimony and was sentenced to nine months of imprisonment. In addition, the

investigator who induced the witness's false testimony was also convicted of contempt of the Tribunal.

36. As noted in the previous report (S/2015/340), benches were assigned to review the contempt and false testimony cases where orders in lieu of indictments were confirmed before 1 July 2012 and remain outstanding, with an aim towards ensuring that a competent authority can try these accused upon their arrest if the Tribunal is unable to complete the cases. Decisions on these cases are scheduled to be issued prior to the closure of the Tribunal.

3. Reparations for victims of the genocide

37. Throughout the history of the Tribunal, various Presidents have submitted proposals to the Secretary-General on the issue of compensation for victims of the events that took place in Rwanda in 1994 over which the Tribunal has jurisdiction. In 2002, the judges of the Tribunal submitted a proposal to the Secretary-General, which recommended that a specialized United Nations agency be established to "administer a compensation scheme or trust fund that can be based upon individual application, or community need or some group-based qualification" (see S/2000/1198, annex). In an address to the Security Council in 2002, the President of the Tribunal stated that "compensation for victims is essential if Rwanda is to recover from the genocidal experience". Between 2002 and 2015, the Presidents of the Tribunal have continued to report to both the Security Council and the General Assembly about the need to implement procedures for providing reparations to victims of the 1994 genocide in Rwanda.

38. In 2014, following a request from victims associations and initial discussions between the Office of the President of the Tribunal and the International Organization for Migration (IOM), IOM secured funding through a donation by the Government of Finland to undertake an assessment study on how the issue of reparations for victims could be taken forward. IOM completed and submitted a draft assessment study to the Government of Rwanda. The study identifies options for reparations for victims and survivors and describes in concrete and operational terms how these options can be developed and implemented in Rwanda as well as how these programmes may be funded. The final report of the study will be issued in due course and, thereafter, transmitted to the relevant stakeholders and follow-up activities will be planned.

4. Compensation claims brought before the Tribunal

39. In 2000, the President of the Tribunal submitted to the Security Council for its consideration a proposal for amending the statute of the Tribunal to provide for the compensation of persons wrongfully prosecuted or convicted by the Tribunal. While the statute has not been amended to this effect, it is worth mentioning some of the jurisprudence of the Tribunal regarding compensation claims.

40. On 13 September 2007, the Appeals Chamber affirmed the decision of Trial Chamber to award André Rwamakuba \$2,000 as compensation for the violation of his right to legal assistance. The Appeals Chamber observed that, while there is no right to compensation for an acquittal per se, there is a right in international law to an effective remedy for violations of the rights of the accused, reflected in article 2 (3) (a) of the International Covenant on Civil and Political Rights. In addition, Protais Zigiranyirazo filed a claim for financial compensation for his

eight-and-a-half years of detention prior to his acquittal. On 18 June 2012, a specially appointed trial chamber confirmed that it had jurisdiction to decide on the merits of the claim but found that Zigiranyirazo's fair trial rights had not been violated.

41. In the *Barayagwiza* and *Semanza* cases, the Appeals Chamber found that the accused's rights to a fair trial had been violated and determined that they were entitled, in the event of conviction, to have their sentence reduced, and, in the event of an acquittal, financial compensation. In both cases, the accused were convicted by the Tribunal and their respective convictions were reduced in the light of the breach of their fair trial rights.

II. Administration of the judiciary

A. Management of proceedings

42. Managing expectations in the face of the constantly shifting judicial calendar has been a great challenge to the Tribunal over the years. Unforeseen occurrences such as the change or separation of a defence counsel, the absence of witnesses or detainees owing to illness or other reasons, the absence of judges, owing either to illness, death, resignation or the end of their mandate, rendered the judicial calendar, its dynamics and parameters, including workload, hard to manage. Consequently, there was a need to make adjustments in the programmes and workplans for trials and appeals while defining and identifying the resource requirements of the Tribunal with certainty, which became a perpetual challenge during the course of the work of the Tribunal.

43. To improve efficiency at both the trial and appeals levels, amendments to the Rules of the Tribunal were continually made with a view to expediting and shortening trials. The changes adopted addressed ways to regulate the pretrial, trial and appeals processes and, among the amendments implemented, the President of the Tribunal was given the power to issue practice directions and the Trial Chambers were allowed to continue the trial in the eventuality of a judge being ill, absent or permanently unavailable. Other amendments were introduced, which addressed issues dealing with the joinder of indictments, special depositions, plea agreement procedures and, among many others, an amendment providing the possibility of suspending an indictment if the case is transferred to a national jurisdiction. The establishment of the Trial Committee in 2003, which was composed of representatives of the Trial Chambers, the Registry and the Prosecution, further facilitated the trial-readiness of several cases.

44. As reported above, the Tribunal is composed of three Trial Chambers and one Appeals Chamber. Each Trial Chamber was divided into sections of three judges, composed of both permanent and ad litem judges. The Security Council adopted various resolutions aimed at increasing the judicial capacity of the Tribunal, including increasing the number of judges. By its resolution 1431 (2002), the Council created a pool of ad litem judges; by its resolution 1512 (2003), the Council increased the maximum number of ad litem judges allowed to serve at the Tribunal at any one time and allowed such judges to adjudicate pretrial matters. By its resolutions 1512 (2003) and 1855 (2008), the Council allowed the sections to be composed of ad litem judges exclusively, which meant that such judges could preside over a case. By its resolution 1878 (2009), the Council further authorized

the expansion of the Appeals Chamber, usually composed of five permanent judges, to include additional judges, which, in view of the intense appellate work, was essential for the timely completion of its workload.

B. Coordination mechanisms

1. Coordination Council

45. During a plenary session on 26 and 27 May 2003, the judges adopted rule 23 bis of the Rules, which created a Coordination Council, consisting of the President, the Prosecutor and the Registrar of the Tribunal. The Coordination Council was created to facilitate coordination of the three organs and it met regularly between 2003 and 2015 to discuss issues affecting the Tribunal, such as the completion strategy, staffing, budgetary and financial matters and, most recently, closing plans and cooperation with the Residual Mechanism.

2. Bureau

46. Pursuant to rule 23, the Bureau, a body composed of the President, Vice-President and the presiding judges of the Trial Chambers, decided on matters relating to the judicial management of the Chambers, including the support rendered to the Trial Chambers and the Appeals Chamber. The Bureau was consulted by the Presidents of the Tribunal in regular meetings and through written exchanges on issues relating to the functioning of the Tribunal.

3. Plenary sessions

47. The judges of the Trial Chambers and the Appeals Chamber held their first plenary session from 26 to 30 June 1995 at The Hague and conducted the twenty-fifth and final plenary session on 13 May 2015 at The Hague. During the years of the operations of the Tribunal, plenary sessions also were held regularly at its seat in Arusha. From 1995 to 2015, these plenary meetings, which were presided over by the President of the Tribunal, allowed the judges of the Tribunal to make substantial amendments to the Rules, with a view of increasing the efficiency of the proceedings before the Tribunal. Plenary sessions were also the venue in which the elections for the President and Vice-President of the Tribunal were held, except for instances when such elections were conducted by written procedure. During the plenary sessions, the judges further adopted certain regulations and policies, including texts regarding the Directive on the Assignment of Defence Counsel and the Rules Covering the Detention of Persons Awaiting Trial or Appeal before the Tribunal or Otherwise Detained on the Authority of the Tribunal.

4. Rules Committee

48. The Rules Committee of the Tribunal was created in 2007 and submitted or discussed proposals for amendments of the Rules. The Committee was composed of representatives from the Trial Chambers and Appeals Chamber and as of 2009 was extended to include representatives of the Office of the Prosecutor and Defence Counsel. From 2007 to 2015, the Committee met regularly to discuss various amendments to the Rules, including the amendment to rule 11 bis and amendments to the Rules as part of the downsizing process. The Committee also worked in close cooperation with the International Tribunal for the Former Yugoslavia to provide

comments to the United Nations Office of Legal Affairs as part of the drafting of the draft rules of procedure and evidence for the Residual Mechanism.

III. Office of the Prosecutor

49. The Office of the Prosecutor is responsible for the investigation and prosecution of all cases falling within the jurisdiction of the Tribunal. There have been four Prosecutors in the history of the Tribunal: Richard Goldstone (July 1994 to October 1996); Louise Arbour (October 1996 to September 1999); Carla Del Ponte (September 1999 to September 2003); and Hassan Bubacar Jallow (September 2003 to December 2015). On 29 February 2012, the Security Council appointed the current Prosecutor of the Tribunal to concurrently serve as Prosecutor of the Residual Mechanism.

50. Given the nature and extent of the genocide, the number of suspects was potentially enormous. Early on, investigations revealed that the genocide was planned at the highest levels of government and given effect by the military, militia and ultimately the local population who were spurred on by media, business, religious and community leaders. The strategic plan of the Office of the Prosecutor, therefore, focused its limited investigatory and prosecutorial resources on persons holding positions of authority at the time of the genocide or those who had played a leading role in the crimes. As a result, those indicted include the former Prime Minister of Rwanda, and several members of the interim Government, senior military officials, media personalities and business, religious, community and militia leaders.

51. In selecting cases for prosecution, the Office of the Prosecutor was guided not only by the status of the offender as a leader of the genocide, but also by the nature and gravity of the offences committed and the strength of the evidence. Consideration was also given to the need to represent as much as possible the scale of the crimes committed, which took place throughout the entire territory of Rwanda. The Office also took into account the likelihood of a suspect's apprehension, as well as the prospects for referral of the suspect to a national jurisdiction for trial.

52. In early 2004, the Office of the Prosecutor adopted a new indictment policy to streamline remaining cases by focusing on single as opposed to multiple accused cases and carefully selecting its charges by focusing on important crimes for which sufficient evidence existed. At the same time, the Office reinvigorated negotiations aimed at achieving guilty pleas, implemented its strategy for the referral of cases to national jurisdictions, adopted new internal measures for effective and expeditious trials, and instituted a vigorous tracking and arrest programme. These measures, together with the strategy of securing judicial notice of the genocide in the *Karemera et al.* case, had a positive impact on the completion of the workload of the Tribunal.

A. Tracking and arrest of fugitives

53. Securing the arrest of persons indicted by the Tribunal is one of the greatest challenges the Office of the Prosecutor faced. Given the standing and position of the

persons indicted by the Tribunal, many indictees had both the means and opportunity to flee Rwanda. Suspects indicted by the Office disappeared into other countries in Africa and across the world, where they created new lives, including in some cases entirely new identities. Some fugitives sought refuge in remote refugee camps or remained continuously on the move.

54. With the assistance of national authorities, the Office of the Prosecutor secured the arrest or surrender of 83 fugitives from 27 different jurisdictions in Africa, Europe and North America. Cooperation from national authorities in states where the fugitives were hiding, transiting, or in which they had family, business, or other associations proved critical to the success of the Office. Another effective tool was the War Crimes Rewards Programme (formerly the Rewards for Justice Programme), whereby the United States of America announced that it would pay up to \$5 million to learn the whereabouts of fugitives from the Tribunal. This programme encouraged several informants to come forward to share important information relevant to tracking operations. As noted above, six remaining fugitive cases have been referred to Rwanda for trial, and the files in three high-level fugitive cases have been handed over to the Residual Mechanism.

B. Establishment of a genocidal campaign

55. In the course of its investigations and prosecutions, the Office of the Prosecutor established beyond dispute that, during 1994, there was a campaign of mass killing intended to destroy, in whole or at least in very large part, Rwanda's Tutsi population. This genocidal campaign was orchestrated at the highest levels of government, including by members of the interim Government. It engulfed the entire country and was perpetrated by a variety of means, including large-scale massacres at places of refuge such as churches and government offices. Directives issued by the interim Government called for the use of roadblocks to identify, kill or rape Tutsis. Public media was used to incite the population to commit acts of violence against the Tutsi population and those perceived to be sympathetic to them. Widespread and systematic acts of sexual violence were perpetrated against Tutsi women and girls. In addition, politically motivated killings took place against those opposed to the genocidal campaign waged by the interim Government.

C. Prosecution of sexual violence (annex IV)

56. A major priority of the Office of the Prosecutor was the prosecution of sexual violence. Thousands of women and girls were individually raped, gang-raped, raped with objects such as sharpened sticks or gun barrels, held in sexual slavery either collectively or through forced "marriage", and sexually mutilated. Reflecting the prevalence of rape and other forms of sexual violence as weapons in the genocide, more than half of 93 indictments brought by the Office of the Prosecutor involved charges of rape and other forms of sexual violence as a means of perpetrating genocide and as crimes against humanity or war crimes. Of the 43 cases that proceeded to trial involving charges of rape or other forms of sexual violence, less than a third (13) resulted in convictions. The rest resulted in either acquittals (23) or dismissal as a result of death (1), or the charges were dropped as part of plea negotiations or amendment of the indictment (6).

57. Despite these mixed results, the prosecutions by the Office of the Prosecutor significantly contributed to the development of international humanitarian law through landmark decisions where rape and other forms of sexual violence were defined and recognized as acts of genocide, crimes against humanity, and war crimes. In the *Akayesu* case, as already noted, the Trial Chamber for the first time defined the elements of rape under international law. In the *Gacumbitsi* case, the Appeals Chamber held that a victim's lack of consent and an accused's knowledge of a victim's lack of consent are elements of rape as a crime against humanity, rather than an affirmative defence. It also found that knowledge of the absence of consent could be proven by establishing an accused's awareness of coercive circumstances that undermined the possibility of genuine consent.

58. More recently, in the *Butare* case, the Trial Chamber convicted Pauline Nyiramasuhuko, the former Minister of Family and Women's Development for the interim Government, for ordering the rapes of Tutsi women and girls — the very people she was charged with protecting. Nyiramasuhuko was the first woman to be convicted by the Tribunal, and her conviction shows that even women can use rape as a weapon to terrorize a civilian population. Her sentence to life imprisonment, which is presently on appeal, serves as a powerful deterrent to those who would commit similar crimes in the future.

59. In the *Karemera et al.* case, two accused, an interim Government minister and a party leader, were likewise held accountable for their roles in rapes perpetrated throughout Rwanda during the genocide. Although these accused did not personally commit the rapes, the Trial Chamber convicted them as members of an "extended form" of joint criminal enterprise for rapes committed by their co-perpetrators that were the natural and foreseeable consequence of the common plan to destroy the Tutsis. The Trial Chamber's recognition of this form of joint criminal enterprise liability, which was affirmed on appeal, was a significant development in international criminal law.

60. A chart summarizing the prosecution of sexual violence appears in annex IV.

D. Referral of cases

61. As noted above, the Office of the Prosecutor also secured the referral of 10 genocide indictments to national jurisdictions for trial. The referral of these indictments marked an important milestone in the completion strategy of the Tribunal. Without the referral of these indictments, the work of the Tribunal would have been incomplete and a gap in impunity could have resulted. By referring these indictments to national jurisdictions for trial, the Tribunal also gave practical effect to the principle of complementarity. National authorities, and not the Tribunal, became primarily responsible for conducting and completing proceedings against the accused.

62. Finding national jurisdictions that were both willing and able to prosecute indictments referred by the Tribunal presented several challenges. Many States were reluctant to accept referrals from the Tribunal because their own national systems were already under strain from the high volume of domestic cases and limited resources. It was often difficult for national authorities to draw the nexus between crimes committed in other countries and their own national interests. Absent that nexus, national authorities often could not justify the expenditure of limited public

funds to support the prosecution of international crimes committed in often distant jurisdictions.

63. This difficulty was exacerbated by the high costs usually associated with investigating and prosecuting international crimes. Witnesses and other forms of evidence relevant to international crimes often are located outside the country. In post-conflict Rwanda, for instance, key witnesses had scattered literally across the globe. To interview these witnesses and collect other evidence, investigators and prosecutors had to travel and depend on mutual legal assistance from other Member States to facilitate their investigations. For indigent accused, national authorities also must bear the full costs of the defence, including the costs of any defence investigations. To present evidence in court, national jurisdictions had to arrange transport for key witnesses to attend trial or make other arrangements such as through video links or other means to hear their evidence. Additionally, authorities from national jurisdictions often did not use the same language as the witness. Interpretation and translation services therefore must be provided so evidence can be properly understood.

64. The Tribunal had no way of assisting national jurisdictions in offsetting these and other costs associated with national prosecution of international cases. Over the years, the Prosecutor was able to persuade only a handful of countries (France, Norway, the Netherlands, and Rwanda) to accept the referral of Tribunal indictments.

65. One of the main challenges in the referral of cases was the non-retroactivity or *nulla crimen sine lege* principle, which precludes the exercise of jurisdiction over international crimes that were not incorporated into domestic law at the time of commission or prosecution. The Referral Chamber in the *Bagaragaza* case invoked this principle to reject the Prosecutor's first attempt to refer an indictment to a national jurisdiction that proposed to prosecute the case under ordinary domestic law. The Referral Chamber rejected the application because Norway did not have jurisdiction *ratione materiae* over the crime of genocide. The Appeals Chamber rejected the Prosecutor's appeal from this decision. While acknowledging that its decision may limit future referrals to similar jurisdictions that could assist the Tribunal in the completion of its mandate, the Appeals Chamber held that it could not sanction the referral of an indictment to a jurisdiction where the conduct could not be charged as a serious violation of international law.

66. Another barrier to referral was that national legislation and domestic courts often require a certain nexus, a "plus-factor", to the crime. For instance, many domestic courts require that the accused either be present or have previously lived in the foreign country before proceedings against them may be initiated. This requirement proved an obstacle to the Prosecutor's second attempt to refer the *Bagaragaza* indictment to a national jurisdiction. After the Prosecutor's first attempt to refer the indictment to Norway failed, the Prosecutor succeeded in obtaining a referral order to the Netherlands, and the accused was transferred there for trial. Subsequently, however, the Prosecutor had to revoke the referral for two reasons. First, an intervening decision from a Dutch court held that the Netherlands lacked jurisdiction over the crime of genocide for acts committed in Rwanda in 1994. Secondly, because the accused was not voluntarily present in the Netherlands but detained there by judicial order, it was unlikely that Dutch prosecutors could satisfy the plus-factor required under domestic law for the exercise of universal

jurisdiction — physical presence of the accused in the Netherlands when the case was initiated.

67. Only two States, France and Rwanda, proved both willing and able to accept the referral of Tribunal indictments. Two Tribunal fugitives (Bucyibaruta and Munyeshyaka) were apprehended in France, which expressed its willingness to accept the referral of these indictments. The Prosecutor filed applications for referral of both indictments in 2007, relying on France's legal framework to demonstrate that all of the requirements established by rule 11 bis were met.

68. Rwanda was the only other country to express its willingness to accept the referral of Tribunal indictments. The Office of the Prosecutor started considering the referral of indictments to Rwanda as early as November 2003, but it took more time for it to be persuaded that Rwanda's legal framework provided an adequate basis upon which to seek referral. By 2007, Rwanda had enacted a series of important legal reforms, including the abolition of the death penalty and other procedural protections for a fair trial. With this new legal framework in place, the Office of the Prosecutor attempted for the first time to refer five indictments to Rwanda for trial.

69. The strategy of the Office of the Prosecutor at the time was to focus on the legal framework Rwanda had established to protect fair trial rights. In the face of vigorous opposition from defence teams and *amicus curiae*, this strategy failed to persuade the Referral Chambers. Concerns relating to the practical application of Rwanda's legal framework, including provisions relating to the protection of defence witnesses, the independence and impartiality of the judiciary, the conditions of detention, the presumption of innocence, the availability and qualification of defence lawyers, and legal aid resulted in the denial of all five applications.

70. The setbacks encountered during the first round of referral applications did not end the Prosecutor's referral strategy. On the contrary, to complete the work of the Tribunal within the time set by the completion strategy, the Prosecutor redoubled his efforts to find Member States willing and able to accept the referral of Tribunal indictments. Rwanda again emerged as the primary candidate to fulfil this strategy.

71. A renewed spirit of cooperation marked the Office of the Prosecutor's dealings with Rwanda. Over the next few years, the Tribunal partnered with Rwanda and committed Member States to strengthen all aspects of Rwanda's justice sector. This renewed commitment to capacity-building proved to be crucial to the success achieved in connection with the second round of referral applications launched by the Office in late 2010.

72. The success of the Office of the Prosecutor in securing the referral of indictments to national jurisdictions could not have been achieved without substantial outreach and capacity-building efforts and the cooperation of partners such as Rwanda, the European Union, Canada and the United States. Together with its partners, the Tribunal contributed to a host of legal reforms and infrastructure improvements at the national level that were necessary to secure the fair trial rights of the accused.

73. A key lesson learned from the denial of the first round of referral applications was that reliance on Rwanda's legal framework alone was not sufficient. The Office of the Prosecutor had to proactively counter defence arguments that, despite the reforms and infrastructure improvements that had taken place, Rwanda's legal framework was still insufficient to secure a fair trial. The Office adopted several

strategies for overcoming this challenge. First, it clarified the lens through which its applications would be evaluated by articulating a workable standard of review and burden of proof. Secondly, it adopted an evidence-based approach to proving Rwanda's national capacity. Thirdly, it backstopped its submissions with a credible monitoring mechanism.

E. Information and evidence management

74. Since its inception, the work of the Office of the Prosecutor has been supported by a document management team responsible for registering all the evidence gathered during investigations, maintaining a clear chain of custody and cataloguing and preserving the evidence in a manner easily accessible to all members of the prosecution team. All incoming evidence is logged, digitized, and stored in an electronic database. To prevent deterioration or loss, all original records are stored in a secure vault equipped with an electronic fire suppression system, as well as temperature and humidity controls. Attorneys and investigators generally work with the electronic version of the records.

75. Throughout its operations, the Office of the Prosecutor has maintained a dedicated team of experts to manage its electronic evidence database, which consists of approximately 500,000 pages of documents, and develop search tools that can quickly and accurately retrieve relevant materials. These databases and search tools have been essential to the ability of the Office of the Prosecutor to investigate and prosecute cases, track fugitives, comply with mandatory obligations to disclose potentially exculpatory material to the defence, and efficiently respond to requests from national authorities for mutual legal assistance.

76. As part of the completion strategy of the Tribunal, the Office of the Prosecutor is identifying, preparing and preserving all of its records for transfer to the Residual Mechanism, in accordance with the Secretary-General's bulletin entitled "International Criminal Tribunals: information sensitivity, classification, handling and access" (ST/SGB/2012/3), the retention policy of the Tribunal and other standard archiving policies.

F. Sharing best practices

77. The Office of the Prosecutor has actively supported Tribunal-wide efforts to develop the capacity of regional justice sectors, particularly in Rwanda. Over the years, it has organized or participated in multiple programmes aimed at enhancing national capacity to investigate and prosecute domestic crimes. Most recently, the Office helped to organize and provided presenters for a Tanzanian judicial conference on developments in international humanitarian law and human rights law that was held in Arusha in August 2015.

78. The Office of the Prosecutor participated in a series of colloquiums of prosecutors of international criminal tribunals and special courts to share best practices and lessons learned. These colloquiums have provided a useful and regular forum for consultations between the Prosecutors and staff of the Tribunals, as well as an opportunity to enhance dialogue with other stakeholders in the international criminal justice process, including domestic prosecutors, academics, and members of civil society, on developments in the struggle against impunity.

79. At the first colloquium, held in Arusha in 2004, the prosecutors present adopted the Tribunal Prosecutor's proposal to compile a compendium of best practices learned in their more than 55 years of combined expertise in the prosecution of mass atrocity cases. Over several years, dedicated teams from the different international tribunals and courts worked on the project to synthesize lessons learned. With generous financial support provided by Canada and the Open Society Justice Institute, the project succeeded in publishing "A compendium of lessons learned and suggested practices from the offices of the prosecutors", which was formally launched in November 2012 with the support of the International Association of Prosecutors. The compendium can be accessed by all members of the Association on its website.

80. To coincide with the twentieth anniversary of the Tribunal, the Prosecutor convened the seventh Colloquium of Prosecutors of International Criminal Tribunals and Special Courts to discuss developments in international criminal justice. The focus of the colloquium was on domestic prosecution of international crimes.

81. As part of the events marking the closing of the Tribunal, the Prosecutor will convene a round-table forum for international and national prosecutors. The round table will build on discussions started during the seventh Colloquium by identifying the primary obstacles that have confronted national jurisdictions in implementing the goals of complementarity, and suggest practical steps for overcoming these common obstacles.

82. Based on its experiences in the prosecution of sexual violence cases, the Office of the Prosecutor released a comprehensive manual on best practices in the prosecution of sexual violence crimes in post-conflict regions. To share the lessons learned, the Office hosted two international conferences, with a broad range of participants from the region and beyond. The first conference was held in Kigali in 2012; the second conference was held in Kampala in 2014. The conferences helped to identify three core components essential to closing the impunity gap for sexual violence: prevention by promoting more gender equality; prosecution by holding those who commit gender-based violence accountable; and partnership by expanding the service network for the treatment and care of victims of sexual violence through partnerships with key stakeholders in the local community.

83. In addition, the Office of the Prosecutor has released best practice manuals recounting the lessons learned in the tracking and arrest of fugitives, as well as the referral of cases to national jurisdictions. The Office is in the process of seeking to publish all three best practice manuals in a combined volume.

84. To help preserve the jurisprudence and procedural rules of the Tribunal, the Office of the Prosecutor has also compiled a practice-based digest of Appeals Chamber judgements from the Tribunal and the International Tribunal for the Former Yugoslavia. This digest will be made available on the website of the Tribunal following closure.

85. The Office of the Prosecutor has further made substantial progress in compiling all of the facts adjudicated by the Tribunal in relation to the Rwandan genocide. This compilation will be transitioned to the Prosecutor of the Residual Mechanism upon closure.

IV. Office of the Registrar

86. The Office of the Registrar is responsible for, among other things, providing support to the Chambers and Office of the Prosecutor, as well as overall administration of the Tribunal. Administrative support includes human resources, finance and the sourcing and provision of services and assets. Judicial support includes the provision of court management services, language services, the procurement and management of witnesses, the provision of detention facilities and services and enforcement of sentences imposed by the Trial Chambers of the Tribunal.

87. Since the establishment of the Tribunal, there have been four Registrars in its history: Andronico Adede (September 1995 to February 1997), Agwu Okali (February 1997 to February 2001), Adama Dieng (March 2001 to June 2013), and Bongani Majola (January 2013 to December 2015).

88. Throughout the operation of the Tribunal, the Office of the Registrar has served as the representative organ of the Tribunal and maintained high-level diplomatic contacts with Member States and international organizations. It also acted as the channel of communication between the Tribunal and the diplomatic community and has ensured significant judicial and other cooperation with Member States.

89. During the lifespan of the Tribunal, the Office of the Registrar encountered and overcame a number of unique and unprecedented challenges. This was partly because there were no established practices or manuals to guide staff in resolving the novel issues confronting the Tribunal. In executing its duty to ensure the attendance of witnesses, the Registry had to bring most prosecution witnesses from Rwanda and almost all defence witnesses from the diaspora. Often these witnesses had no identity documents or valid passports and were terrified of travelling to Arusha. Some had been severely traumatized by the genocide or were in poor medical condition. There were also occasional challenges in transferring arrested accused persons from the arresting States to the Tribunal in Arusha, with the latter sometimes arguing that they had no extradition agreement with the Tribunal. However, the Office of the Registrar was able to overcome these challenges and established agreements and relationships that ensured the steady transfer of witnesses and apprehended accused to the Tribunal, two important prerequisites for the successful implementation of its mandate. In addition, it was able to identify best practices and lessons learned that assisted in expediting the work of the Tribunal in terms of providing the required administrative support. In all cases, the cooperation of the Governments of the United Republic of Tanzania and Rwanda was critical to the work of the Tribunal.

90. The Registrar's function of relocating persons that had been acquitted by the Tribunal and those who were released in the United Republic of Tanzania upon completion of their sentences presented one of the most significant challenges. Upon transfer of these functions to the Residual Mechanism in December 2014, there remained eight acquitted and three released persons that the Office of the Registrar was unable to relocate. Some had been acquitted by the Tribunal over a decade ago but have not yet been relocated to other countries.

91. The Registry consisted of the Judicial and Legal Services Division, the External Relations and Strategic Planning Section and the Division of Administrative Support Services, each of which was composed of various sections.

A. Judicial and Legal Services Division

1. Court Management Section

92. The Registry provided court management services and support to the judicial processes of the Tribunal, including services to the Chambers and parties, through its Court Management Section. The responsibilities of the section included making the administrative arrangements necessary for the organization and effective conduct of the hearings and other proceedings before the Tribunal, technical support, the distribution of documents and the production of verbatim records and minutes of court proceedings.

93. Court reporting played a critical role in the production of court transcripts and, together with language services, remained one of a few critical functions that sustained the work of the Tribunal until the end. Over the years, the Office of the Registrar has invested time and resources providing trainings in modern court reporting technology and thereby developed the relevant technical skills that contributed significantly to expediting trial proceedings despite the increased workload and the limited court reporting resources. Lessons learned from both the training of court reporters and their utilization during court proceedings enabled the Office of the Registrar to produce a manual for the stenographers of the Tribunal, among others, to ensure the maintenance of the high standards of the profession and to harmonize the practices acquired from the various legal systems.

94. The combination of continuous training, modern technology and improved electronic equipment enabled the stenographers to produce transcripts of the hearings almost immediately, enabling the judges and parties to discharge their responsibilities more efficiently. The daily availability of draft transcripts in English and French significantly improved the pace of trials and contributed significantly to the implementation of the completion strategy.

95. The Office of the Registrar also produced the Directive on Court Management, adopted at the fifth plenary session of the Tribunal judges, which was designed to manage difficulties arising from the day-to-day administration of the Registry's judicial activities.

96. In addition, the Court Management Section was responsible for classifying and distributing judgements, orders, applications, pleadings and other official documents of the Tribunal, as well as for receiving and archiving the exhibits presented by the parties during the proceedings. Over the years, significant improvements were achieved in both record-keeping, including an up-to-date database of judicial records intended for internal use as well as for public access through the website of the Tribunal. As part of its capacity-building activities solicited by States, the Section organized training sessions for representatives of various African countries on the system used by the Tribunal for the instantaneous production of transcripts. It also conducted specialized sessions to strengthen the capacity of the Rwandan court system.

2. Defence Counsel and Detention Management Section

97. The Defence Counsel and Detention Management Section provided high-quality administrative support to the various defence teams and detainees in Arusha. Consistent with international legal standards, accused persons were free to retain defence counsel of their choice and, where unable to do so, were assigned defence counsel. In the latter case, they could choose from a list of counsel from all parts of the world who were qualified and indicated an interest in serving indigent suspects or accused appearing before the Tribunal.

98. When the Tribunal commenced, there was no legal aid system at the international level. The Tribunal had to create and develop an international legal aid system for the Tribunal, which it did by combining aspects of various legal systems throughout the world and modifying them to fit its needs. This resulted in the development of a unified practice of international defence counsel administration, the Directive on the Assignment of Defence Counsel, which was first adopted on 9 January 1996 and has been amended according to the needs of the Tribunal.

99. The Defence Counsel and Detention Management Section has faced several challenges over the course of the mandate of the Tribunal, including the rationalization of the legal aid scheme for indigent accused in the light of the concerns expressed by Member States about rising costs and the need to investigate the claims of indigence made by detainees, while ensuring adequate support for defence teams.

100. The Registry defined the means by which an accused can be considered indigent or partially indigent and a formula was drawn up to determine the amount of contribution to be made by an accused who partially qualifies for legal aid. In this regard, the review panel on the legal aid scheme of the Tribunal, which had been set up by the Registrar, came to the conclusion that there was a need to benefit from the experience of external experts in the area of fee assessments before making a final determination about the new system of payment to be established, including the establishment of a clear and workable definition of “indigence”, and to review and design an improved system of payment of defence team members under the legal aid programme of the Tribunal.

101. In 2004, a new mechanism was put in place and staff members were trained on reviewing defence costs to preserve limited resources but, at the same time, ensure an adequate defence. Under the new system, defence teams were requested to submit a plan of action for the pretrial stage of their cases prior to approval of their travel requests. They were required to do the same for the various stages of the appeal process. This brought much needed control on defence spending and reduced the financial burden of the legal aid programme. The new system also made the defence fees and expenses more predictable and easier to budget and justify.

102. The new system, however, required a vigorous assessment of the time spent on activities charged by defence team members. This led defence teams to strike from 28 to 30 January 2004. With further engagement and communication, however, the Office of the Registrar persuaded the defence teams to embrace the new system.

103. The Defence Counsel and Detention Management Section also improved the management of fees and expense payment requests by creating an electronic, web-based system allowing electronic filing and management of the requests. A lump-sum system for the payment of fees was also introduced based on the different steps

in proceedings. The system limits resources by hours or money for the pretrial and appeal stages. During trial, defence counsel were allowed daily resources depending on whether they were attending hearings at the Tribunal.

3. Language Services Section

104. From the inception of the Tribunal in Kigali, the Language Services Section began providing interpretation, especially into and from Kinyarwanda, to investigators and members of the Office of the Prosecutor who had to prepare witness statements and gather material for trials. With the commencement of trials in Arusha, the Section provided translation and interpretation from and into the three working languages of the Tribunal (English, French and Kinyarwanda), and reproduction services to the Chambers, Prosecution, the Registry and parties. In the course of time, as the number of trials and trial chambers increased, consecutive interpretation proved cumbersome and slowed down the proceedings. To solve this problem, the Office of the Registrar provided resources and retrained its interpreters on providing simultaneous interpretation in all three languages. To do so, the Language Services Section Training Unit had to organize a briefing and testing session in Kigali, Rwanda. This training resulted in court proceedings being significantly expedited.

105. The Language Services Section had 123 staff members during its busiest period, when it had to provide translation and interpretation services to the three trial chambers, which were sitting simultaneously. As part of the completion strategy, retention exercises were organized to reduce staff progressively. Some requests for translation were outsourced and freelance revisers were recruited as consultants, in order to cope with the heavy workload. It is important to highlight that due consideration has always been given to the confidential nature of the documents to be translated.

106. The Language Services Section continued to provide interpretation and translation services in English, French and Kinyarwanda to the Tribunal and the Residual Mechanism during proceedings conducted before the Appeals Chamber and the Residual Mechanism. In this regard, the Service processed documents emanating from the Residual Mechanism, the Appeals Chamber and the parties to proceedings. It also provided the same services to the Office of the Prosecutor, the Registry and other Tribunal and Residual Mechanism departments. It received numerous documents from the Residual Mechanism for translation, including reports, submissions, decisions, orders and documents relating to transferred cases and judgements from Rwandan courts.

107. The Documents Control, Terminology and Reference Unit further provided document control and translation support services such as referencing, terminological research, proofreading and text processing, to ensure that documents used in proceedings before the Tribunal were translated properly and on time. This unit has processed over 34,000 documents totalling more than 350,000 pages.

4. Witnesses and Victims Support Section

108. The Witnesses and Victims Support Section was responsible for witness and victim support and has proven to be one of the Registry's most successful sections. It provided impartial assistance and support to all prosecution and defence witnesses during pretrial, trial, and post-trial phases. The Section was based in Arusha, with a

sub-office in Kigali. The Kigali office was responsible for the continuous protection of witnesses residing in Rwanda as well as operations such as travel, relocation and other activities relating to witnesses. The Kigali office also had support staff, including a gynaecologist, a lab technician, two nurses and psychologists who provided care to witnesses.

109. The Witnesses and Victims Support Section worked in collaboration with the Government of Rwanda, although no formal agreement was ever signed. The Section enjoyed excellent cooperation from many countries and organizations around the world that provided assistance in the facilitation of the travel and protection of witnesses located in other countries. The assistance of the Government of the United Republic of Tanzania was always constant and reliable. Indeed, the Section was able to facilitate the travel of nearly two thirds of both prosecution and defence witnesses testifying in Arusha, including bringing victims of sexual violence as well as expert witnesses from several countries and ensuring their safe return to their countries of residence.

110. In line with the completion strategy, the Witnesses and Victims Support Section was closed in 2012 and the responsibility to support witnesses was transferred to the Residual Mechanism. The Section transferred witness-related materials to the Residual Mechanism in relation to 57 completed cases before the Tribunal. The newly created Judicial and Legal Affairs Section of the Tribunal provided witness and victim support services for the remaining trials. The Tribunal continued working closely with the Residual Mechanism on matters related to witness and victims' support by preparing witness files in completed cases for handover to the Residual Mechanism.

5. United Nations Detention Facility

111. In agreement with the Government of the United Republic of Tanzania, the United Nations Detention Facility was established as a completely distinct unit within the enclosure of the Arusha prison. On 26 May 1996, three accused were transferred to the Detention Unit of the Tribunal. They were transferred from Lusaka to Arusha, in conditions ensuring both high security and respect for their human rights. As soon as the accused were delivered into the custody of the Detention Unit, they were registered by the prison authorities, assigned individual cells and given a complete medical examination.

112. By 1998, the Facility contained 52 cells, 6 of which were reserved for women detainees. In accordance with the Tribunal's policy of transparency, the Tribunal entered into an agreement in 1997 with the International Committee of the Red Cross (ICRC) for the latter to visit the Detention Facility. Since then, the Detention Facility has been regularly visited by representatives of ICRC, who were asked by the Tribunal to inspect and report on all aspects of detention conditions and to ensure that those conditions met internationally recognized human rights standards. The satisfactory operation of the Detention Facility was made possible largely through the cooperation of the host Government, the United Republic of Tanzania, which supported the transfer and security of detainees.

113. The Tribunal currently houses a total inmate population of 13 detained persons. These include the six convicted persons of the *Butare* case who are awaiting the delivery of the Appeals judgement and seven convicted persons awaiting orders for transfer to an enforcement State to serve their sentences by the

Residual Mechanism. ICRC paid its last visit to the United Nations Detention Facility on 7 November 2015 and concluded that the Facility conformed to international standards and that the transition to the Residual Mechanism had been conducted appropriately and smoothly.

6. Judicial and Legal Affairs Section

114. As part of the winding down of the Tribunal, the Judicial and Legal Services Division was abolished as from 31 December 2013. In its place, the Judicial and Legal Affairs Section assumed some of the previous functions of the Division, including providing legal support to the appeals process, the Office of the President and the Registrar and supervising activities related to court management, defence counsel, detainees at the United Nations Detention Facility and acquitted and convicted persons released in the United Republic of Tanzania.

115. In particular, legal officers of the Judicial and Legal Affairs Section assisted the Residual Mechanism by acting as interim monitors during various parts of the *Uwinkindi* and *Munyagishari* proceedings in Rwanda. Their functions have been fully transferred to the Residual Mechanism. During these periods, the monitors submitted regular reports to the Residual Mechanism and the Tribunal on the status of the pretrial proceedings in both cases. Furthermore, the Section took part in the organization of capacity-building and knowledge-sharing sessions for various international, regional and domestic institutions, including the African Court on Human and Peoples' Rights, the Rwandan judiciary and ICRC. Finally, the Section provided judicial assistance to domestic courts and government institutions, including in Belgium, Canada, France and Germany.

116. The Judicial and Legal Affairs Section played and continues to play an important legal advisory role for issues pertaining to the proper implementation and interpretation of United Nations administrative rules and cases relating to the immunities and privileges of staff regarding civil and criminal cases, and disputes related to domestic employees of Tribunal staff members. In addition, the Section has been assisting the Registrar with appeals related to the downsizing and retention processes, performance evaluations, and investigations of allegations of misconduct in collaboration with the Office of Internal Oversight Services.

B. Division of Administrative Support Services

117. The Division of Administrative Support Services provided overall administrative services to the entire Tribunal, in the areas of asset management and logistics, budget and finance, security services, medical services, human resources management, supply chain management and information and communications technology (ICT). It has been in charge of developing and monitoring the implementation of administrative strategies, policies and procedures in accordance with the United Nations rules and regulations. The Division continues to provide support in ensuring that the Tribunal has established an important judicially verified factual record of the atrocities that took place in Rwanda in 1994. As from the establishment of the Residual Mechanism, the Division has continued to provide some administrative services to the Residual Mechanism in line with the provisions of Security Council resolution 1966 (2010). These services have been on the decline as the Residual Mechanism now has its own administration. The process of

downsizing continued to pose major challenges to the operation of the entire Tribunal.

118. Throughout its 21 years, the Division of Administrative Support Services has engaged in the pursuit of substantive reform while striving to improve the efficiency and cost-effectiveness of its operations. Ever since the establishment of the Tribunal, there has been uncertainty regarding the Tribunal's status with respect to the United Nations Secretariat. Although an office away from Headquarters, the Tribunal was nonetheless different to other such offices and peacekeeping missions. This lack of clarity presented both a challenge and an opportunity, given that management had to come up with creative and flexible ways of dealing with administrative challenges as they arose. This provided an opportunity to develop management policies that have elements of peacekeeping operations and offices away from Headquarters.

119. The challenges and achievements that the administration has recorded from the beginning to the end of the mandate of the Tribunal will serve as reference for future regional and international organizations with similar features. Further, the Tribunal has been central in developing settled procedures and policies, which have influenced the structure and operations of other ad hoc institutions.

1. Human Resources and Planning Section

120. In the area of human resources management, one of the primary goals of the Tribunal has been to attract, recruit, and retain the best qualified staff. It is fair to state, however, that achieving this goal has proven difficult from the beginning, owing to the lack of uncertainty of Tribunal duty stations in Arusha and Kigali, the ad hoc nature of the Tribunal, Tribunal staff not being considered part of the Secretariat, the short-term duration of contracts and a constantly changing judicial calendar.

121. Although these challenges plagued the Tribunal throughout its mandate, the creation of a recruitment task force in the establishment of proactive recruitment procedures in the early years of the Tribunal made it possible to recruit the qualified and dedicated staff needed for its work. At the pinnacle of its operations, between 2005 and 2008, the Tribunal had more than 1,000 staff members representing one of the most diverse United Nations entities outside of the Secretariat, with 113 different nationalities represented in 2008.

122. Through the Human Resources and Planning Section, the Tribunal continued to undertake a smooth and objective downsizing process with respect to the large number of staff separating from the Tribunal in view of the completion strategy. Repatriation, relocation and career counselling, in addition to the other staff administration and recruitment activities, made up the majority of the workload of the Section during the reporting period. Besides separations and mandatory retirements as a result of the downsizing of the Tribunal, staff members have continued to leave voluntarily owing to the uncertainty of their continued future employment. However, Tribunal management endeavoured to continuously come up with flexible and creative measures within the United Nations rules and regulations, with the support of the Office of Human Resources Management, on how to motivate staff to perform to the best of their abilities in the face of such uncertainty.

123. The flexible measures adopted by the Tribunal have facilitated the delivery of quality administrative services and the development of a framework of ideas to be used as a guide for downsizing organizations. For example, a staff separations management initiative was introduced, aimed at minimizing delays in paying the final entitlements of staff members.

124. At the final stage of the existence of the Tribunal, more than 50 per cent of its personnel consist of staff members who have been with the Tribunal since its establishment. Unfortunately, the looming closure and few options for future employment have been a source of stress and concern which the Tribunal has had to deal with as part of the completion strategy. With more than 200 staff members expected to separate from the Tribunal in December 2015, the Division of Administrative Support Services is once more putting processes in place to address the challenges of ensuring that staff are paid their entitlements in a timely manner.

125. The Career Development and Counselling Unit implemented a four-pronged strategy to support the completion of the mandate of the Tribunal, as follows:

(a) Training programmes to support the personal and professional transition of staff, aimed at providing management and staff with skills to meet the challenges of organizational change and downsizing, multitasking and double-hatting. They also aim to provide staff with skills to successfully make the transition to another job, self-employment or retirement, as the case may be;

(b) Training programmes to support completion of operations: these are technical training programmes aimed at helping sections to complete their operations successfully, either to close down or transfer functions to the Residual Mechanism;

(c) Stress counselling and coaching support during the completion process: this aims to help staff and their families deal with the stress and challenges of the downsizing, and to coach them on issues such as interview preparation, career planning, problem solving and decision-making;

(d) The provision of welfare support to separating and relocating staff and families: this is aimed at providing practical help and information during separation and relocation, and promoting the physical and social well-being of Tribunal staff and families during the final period of the Tribunal.

2. Budget and Finance Section

126. In the area of resource management, the Budget and Finance Section provided expertise on proper planning, control and monitoring of the use of available resources as well as timely and reliable services to staff members, non-staff members (judges) and clients of the Tribunal over the course of the Tribunal's existence. The Section also remains critical in ensuring the timely payment of entitlements to separating staff members.

127. The first set of financial statements for the Tribunal that are compliant with the International Public Sector Accounting Standards was produced and is currently with the United Nations Board of Auditors for its review. Preparations for the implementation of Umoja are also ongoing with the training of staff.

3. General Services Section

128. Since the beginning of the work of the Tribunal, the General Services Section has provided vital support to the Tribunal such as construction of courtrooms, refurbishment of offices, construction of a temporary archives facility, general repairs and maintenance, asset control and the management and identification of safe houses for rental. The safe houses were used to accommodate witnesses as well as acquitted and convicted released persons. Services such as travel, transport, mail and pouch were all provided by the Section.

129. The Building Management Services, in line with the completion strategy, relocated surplus accommodation containers from Kigali to Arusha for use as offices, thus allowing for the return of some regular rental space to the landlord. During the reporting period, the Building Management Services continued to review the use of office space in line with the downsizing process. In that regard, all courtrooms, apart from the one being retained for use by the Tribunal's Appeals Chamber and the Residual Mechanism, have been dismantled and the space has been reorganized or returned to the landlord.

130. The Asset Management Services was responsible for the receipt and inspection of all goods and services in Arusha and Kigali. It improved the reception and inspection of goods purchased with the introduction of the Galileo Inventory Management System, which enable it to accelerate the process for the disposal of old and obsolete property. The system also improved internal controls on asset management and disposal of excess assets in line with the completion strategy.

131. In the early days of the Tribunal, the lack of infrastructure such as electricity, schools, and roads meant that the Division of Administrative Support Services had to introduce innovative ways of dealing with this situation. The need to provide transport, particularly for the staff, stemmed from the poor public transport available in Arusha. Thus, the Transport Services Unit transported staff to and from work. Pick-up services to and from the international airport at Kilimanjaro were provided to facilitate movement of staff and other visitors. The Air Operations Unit within the Tribunal was also responsible for the delivery of travel services between Kigali and Arusha as well as Nairobi and the Democratic Republic of the Congo, primarily to ensure the transportation of witnesses and staff of the Office of the Prosecutor from Rwanda and other destinations. In addition, United Nations chartered aircraft were used to transfer detainees to the United Nations Detention Facility and for medical evacuation of staff to designated hospitals within the region.

4. Health Services Unit

132. The Tribunal established the Health Services Unit ("Clinic") to provide primary health-care services to Tribunal staff and their dependants, detainees and witnesses. The Clinic issued medical clearances, made referrals to other facilities and, in consultation with the Chief of Administration, authorized medical evacuations. The Unit also provided curative, preventive and trauma counselling support and performed medico-administrative duties for staff members and officials of the Tribunal and Residual Mechanism and their dependants.

5. Security and Safety Section

133. The Security and Safety Section faced some challenges at the beginning of the Tribunal, including the need for different strategies to ensure the safety of witnesses, investigators, staff and the accused. To deal with these problems, various measures were implemented, such as closed circuit television and access-control measures. With regard to staff security, due to the frequent power cuts and its security implications, generators were provided to international staff. A new security system, “Project access control team”, was implemented in accordance with the current global risk analysis conducted by the United Nations Department of Safety and Security. The Section continued to update and test its contingency plans and support the Arusha branch of the Tribunal and the Residual Mechanism in ensuring the safety and security of their staff, premises, assets and operations through the implementation of United Nations security management system policies, including the minimum operating residential security standards and the minimum operating security standards.

134. During the reporting period, no major incidents occurred. Nevertheless, with the ever increasing levels of insecurity in the East African region, which included the detonation of improvised explosive devices in Arusha, the Safety and Security Section has continued to promote close collaboration with the host Government authorities in monitoring security trends and ensuring appropriate measures are in place to provide adequate notification and implementation of well-rehearsed mitigating measures to staff in the Arusha and Kilimanjaro regions.

6. Information Technology Services Section

135. As the Tribunal approaches closure, the Information Technology Services Section continued to support the various downsizing activities of the Tribunal and provide support to the information technology infrastructure of the Residual Mechanism in Arusha and Kigali. While sustaining services required by the Tribunal through this final stage of its completion strategy, the Section has also strengthened the technology infrastructure of the Tribunal over the years and, more recently, provided key support in the preparation for transfer to the Residual Mechanism. This entailed, among others, supporting staff office relocation, the liquidation of old assets and the provision of supplementary services and trainings to mitigate the effect of skills attrition among business process owners and operations.

136. The Information Technology Services Section also played a significant role in the development of the legacy website of the Tribunal, which was launched at the event commemorating the twentieth anniversary of the Tribunal in Arusha in 2014. The Section also assisted the Tribunal in updating its current website with key information, including notifications on upcoming hearings and judgement deliveries, reports and other judicial documents.

137. It should also be noted that owing to the fact that the Tribunal was neither regarded as a peacekeeping mission or an office away from Headquarters, all of the information management systems had to be developed specifically for Tribunal operations, making it difficult to benefit from the experiences of other offices. Even with the introduction of Umoja, the Tribunal is anticipated to continue operating its legacy systems until the liquidation period.

7. Procurement Section

138. With the impending closure of the Tribunal, the main function of the Procurement Section has been the disposal of the assets of the Tribunal and transferring those that may be used by the Residual Mechanism into its custody.

139. During the reporting period, the procurement workload has also increased owing to demands for the procurement, shipping and clearing of items procured for the Residual Mechanism.

8. External Relations and Strategic Planning Section

140. The External Relations and Strategic Planning Section worked to increase the awareness and interest in the work of the Tribunal and over the years there has been increased cooperation with Member States, relevant institutions and non-governmental organizations (NGOs). The Tribunal has further signed agreements on enforcement of sentences with countries throughout Africa and in Europe.

141. The cooperation between the Tribunal and the International Tribunal for the Former Yugoslavia has also strengthened throughout the years and has expanded to include the Special Court for Sierra Leone and the International Criminal Court. For example, the experience and accomplishments of the Tribunal served as a useful model for the Special Court for Sierra Leone. In this context, the Tribunal actively participated in the planning mission established by the Secretary-General to facilitate the practical establishment of the Special Court for Sierra Leone.

142. In an effort to strengthen cooperation between the Tribunal and Rwanda, Tribunal officials have frequently visited Rwanda to increase awareness of and support for the work of the Tribunal through survivor groups and other relevant partners. In that regard, the Registry has carried out outreach activities aimed at strengthening the capacity of the Rwandan judiciary and raising awareness of the work of the Tribunal among the Rwandan public. The External Relations and Strategic Planning Section was also successful in raising voluntary contributions to the trust fund of the Tribunal, enabling the Tribunal to carry out its capacity-building and outreach activities.

143. The Registrar further carried out other outreach activities aimed at strengthening the capacity of the Rwandan judiciary and raising awareness of the work of the Tribunal among the Rwandan public. For example, awareness-raising workshops were conducted in various communes in Rwanda for approximately 5,000 participants, as well as for more than 20,000 students and teachers from Rwandan schools. In addition, other outreach activities included essay and drawing competitions in the five East African capitals, youth sensitization and genocide prevention education in the Great Lakes region, training programmes in the court procedures of the Tribunal as well as programmes on legal journalism and ethics for Rwandan journalists.

144. As part of its outreach activities, the Tribunal set up the information centre (Umusanzu mu Bwiyunge) in Kigali. The Umusanzu Information and Documentation Centre served as the focal point of the outreach programmes initiated by the Registry and was a vital tool for bridging the information gap between the Tribunal and the people of Rwanda at the grass-roots level and also in the Great Lakes region. The Centre was inaugurated in September 2000 and has

received thousands of visitors, including students, journalists, civil servants, judges and lawyers, as well as ordinary citizens. Approximately 100 institutions based in Rwanda received public information on the Tribunal.

145. In addition, 10 other information centres were opened at different locations throughout Rwanda and these facilities played a central role in improving communication and facilitating access to the jurisprudence of the Tribunal as well as other legal materials for members of the Rwandan judiciary and the public in general. Through its communication cluster, the External Relations and Strategic Planning Section has ensured the wide dissemination of information about the activities of the Tribunal by means of press meetings, newsletters and press releases, as well as the website, films and information brochures, in English, French and Kinyarwanda. The Section has also processed numerous local and international media enquiries and broadcast several trial proceedings via satellite for use by media professionals.

146. Throughout the years, the External Relations and Strategic Planning Section has launched exhibitions on the work of the Tribunal in the United Republic of Tanzania, Rwanda and many other African countries. Apart from brochures, newsletters, posters, booklets and press releases distributed by the Tribunal, a special film on the work of the Tribunal, *Justice Today, Peace Tomorrow*, was produced in three languages: Kinyarwanda, English and French. The film, which features the achievements of the Tribunal, was distributed to various local and international television stations, universities, NGOs and individuals.

147. The Tribunal also introduced an internship programme, which provided a unique opportunity for young lawyers interested in the field of human rights to participate in the development of international law and gain practical experience in the public sector. This further led to the creation of the Legal Researcher Programme, which sponsored legal researchers from African countries with funding from the trust fund and from other institutions and organizations. A Pro-bono Legal Researcher Programme was also established to draw in the voluntary assistance of qualified lawyers from around the world. Together, these programmes provided much needed legal and administrative assistance to the work of the Tribunal and support for the implementation of the completion strategy.

148. During its existence, the Tribunal welcomed more than 48,000 visitors in Arusha, including high-level United Nations and government officials, academics, civil society, NGOs and the general public. The Office of the Registrar further transmitted more than 2,300 notes verbales and other correspondence related to the operations of the Tribunal, in particular to secure support and cooperation from Member States with respect to the remaining judicial work and the relocation of the acquitted and convicted released persons.

9. Downsizing

149. The United Nations Secretariat has no official retention or downsizing policy to guide the Tribunal management in the downsizing and retention process. Without another reference point, the Division of Administrative Support Services decided to initiate its own downsizing and retention mechanism. Bearing in mind the importance of having a downsizing and retention policy that is objective and credible, the Tribunal embarked on the development of a policy that was unique to the Tribunal's situation. The process focused on determining who would be retained,

how such a determination would be made, how to prevent essential staff from leaving en masse and how to cope with the mass separations.

150. The Tribunal would later share its downsizing and retention experience with its sister Tribunal, the International Tribunal for the Former Yugoslavia. This process resulted in the policy referred to as the “Lake Manyara Accord”, which has been widely quoted at the United Nations Dispute Tribunal as a success story that demonstrates an objective downsizing policy.

10. Relocation

151. With respect to the relocation of the acquitted and convicted released persons still residing in the United Republic of Tanzania, there have not been as yet any positive developments pursuant to Security Council resolutions 2029 (2011), 2054 (2012) and 2080 (2012), in which the Council commended Member States that had accepted the relocation to their territories of acquitted persons and released convicts who had completed serving their sentences. It further reiterated its call upon other Member States that were in a position to do so to cooperate with the Tribunal for that purpose. This function presented a number of challenges to the Tribunal and, as at 1 January 2015, the responsibility for relocation has been handed over to the Residual Mechanism. Member States are, however, once again called upon to assist the Residual Mechanism in finding a solution to this daunting problem.

V. Transition to the Residual Mechanism

152. In compliance with Security Council resolutions 2054 (2012) and 2080 (2012), the present section describes the efforts made during the reporting period regarding the transition to the Residual Mechanism, including projected dates, where possible, for the handover of functions.

A. Judicial functions

153. In its resolution 1966 (2010) and the transitional arrangements annexed thereto, the Security Council mandated a coordinated transition of judicial functions to the Residual Mechanism on 1 July 2012.

154. Pursuant to article 2 of the transitional arrangements, any appeals from judgements filed after 1 July 2012 fall under the responsibility of the Residual Mechanism. The Residual Mechanism had competence over one appeal from a Tribunal judgement, in the *Ngirabatware* case and its judgement on appeal was issued on 18 December 2014. The Residual Mechanism also heard an appeal in the *Munyarugarama* case against the decision of 28 June 2012 by the Referral Chamber of the Tribunal to transfer his case to Rwanda. The decision, which was rendered on 5 October 2012 by the Appeals Chamber, was the first to hold that decisions from the Tribunal and the International Tribunal for the Former Yugoslavia were binding on the Residual Mechanism.

155. In accordance with its statute and transitional arrangements, the Residual Mechanism is also responsible for requests for review of Tribunal judgements, trials for contempt of court or false testimony, where the indictment was confirmed on or

after 1 July 2012, and for the trials of three of the remaining fugitives indicted by the Tribunal once they have been arrested.

156. During the reporting period, the Residual Mechanism handled numerous requests for assistance from national authorities and other motions stemming from Tribunal trials and appeals. The Mechanism rendered orders and decisions on the cases referred to Rwanda, applications for early release, requests for review and requests for access and assignment of counsel. Further details on the work of the Arusha branch of the Residual Mechanism are provided in the progress report on the Residual Mechanism.

B. Office of the President

157. 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 or bodies) and consideration of revocation (where the President must determine whether to appoint a bench). Since 2013, the Residual Mechanism has been handling the administrative function of monitoring the two Tribunal cases referred to France and the *Uwinkindi* case in Rwanda and, since 1 January 2014, the administrative function of monitoring the other case referred to Rwanda (*Munyagishari*) has also been fully transferred to it. During the reporting period, representatives from an international body monitored the *Uwinkindi* case while a staff member from the Tribunal continued to act as a monitor in France. On 26 October 2015, the Residual Mechanism appointed a staff member from the International Tribunal for the Former Yugoslavia to take over the monitoring of the two cases referred to France.

158. On 13 May 2015, the President of the Residual Mechanism assigned a Trial Chamber to address a request for revocation of the order referring Jean Uwinkindi's case to Rwanda. On 22 October 2015, the designated Trial Chamber dismissed Uwinkindi's request for revocation, stating that it was not satisfied that any of Uwinkindi's complaints showed that the conditions for referral of his case were no longer met and that it was in the interests of justice to revoke the referral order. The Trial Chamber, however, emphasized the need for the monitoring of the *Uwinkindi* case to continue in order to ensure that the Residual Mechanism would be apprised of any changes in the conditions of referral.

C. Office of the Prosecutor

159. As the work of the Tribunal winds down, Professional staff members of the Office of the Prosecutor have continued double-hatting to support the transition of core functions to the Residual Mechanism. This support has mainly been in relation to the conduct of tracking operations, responses to requests for international cooperation and mutual legal assistance, and ad hoc litigation in relation to appeals and review proceedings, and in relation to the monitoring of referred cases and proceedings to revoke referral orders.

160. To assist the Office of the Prosecutor of the Residual Mechanism in assuming responsibility for ongoing disclosure obligations, the Office of the Prosecutor of the Tribunal has updated disclosure records and search criteria in all closed cases.

Where necessary, it has supplemented prior disclosures and will continue to do so in the time remaining before closure. All of these comprehensive disclosure records will be transitioned to the Office of the Prosecutor of the Residual Mechanism prior to closure.

161. The Tribunal is also continuing to transfer to the Residual Mechanism responsibility for the management and preservation of the official records and archives of the Office of the Prosecutor. While staff of the Residual Mechanism already have access to the relevant records of the Office of the Prosecutor of the Tribunal, the archives of the Office have continued to be gradually transferred to the Office of the Prosecutor of the Residual Mechanism, where they are expected to be secured upon completion of all Tribunal appeals and related litigation.

162. In the meantime, as the archives of the Residual Mechanism systematically continue to be fully established, materials no longer in active use continue to be compiled and transferred on an ongoing basis and Tribunal staff members continue to double-hat. The processing of records has continued, alongside the appraisal and security classification of all records of the Office of the Prosecutor. That has involved the identification, appraisal and assigning of classification levels to the records of the Office of the Prosecutor, with access control managed through the use of different document collections in the ZyFind database. Upon delivery of the final judgement of the Tribunal in the *Butare* case, all records of the Office of the Prosecutor will be archived and the transfer to the Residual Mechanism will be complete.

D. Registry

163. Most functions earmarked in Security Council resolution 1966 (2010) for transfer to the Arusha branch of the Residual Mechanism, including the enforcement of sentences, assistance to national authorities and the protection of witnesses in completed cases, were immediately transferred to the Mechanism upon the establishment of that branch of the Mechanism on 1 July 2012.

164. In view of the fact that the Tribunal is still in the process of completing its mandate, it was understood that other functions would be transferred gradually to the Residual Mechanism once they were no longer critical for the completion of the work of the Tribunal. The Office of the Registrar has been gradually transferring administrative functions as the Residual Mechanism developed its own capacity to take them over. As at the time of writing the present report, the Tribunal had already transferred the human resources, travel, procurement, and about 80 per cent of the finance functions it had to the Residual Mechanism, and will transfer all remaining administrative functions by the end of 2015.

165. Regarding the responsibility to prepare its records and transfer them to the Residual Mechanism, the Tribunal had, as at the writing of the present report, transferred about 80 per cent of its records to the Residual Mechanism. The remainder includes active records that cannot be transferred because they are still in use but will be transferred to the Mechanism upon closure in December 2015.

VI. Conclusion and updated prognosis regarding the implementation of the completion strategy

166. During the reporting period, judicial and legal activity continued to be focused on completing the *Butare* case, the sole remaining case on appeal, and the transition to the Residual Mechanism, as all work at the trial level, referral applications and evidence preservation was already completed or transferred to the Mechanism prior to the present reporting period. The focus of administrative energies has remained on activities related to downsizing, including the preparation of the records of the Tribunal for management by the Residual Mechanism and providing the support necessary for the remaining judicial and legal work. The Residual Mechanism's reliance on the Tribunal for administrative services continues, albeit at a significantly reduced rate.

167. Thanks to the tireless work and dedication of the staff and judges, the appeal judgement in the *Butare* case will be delivered on 14 December 2015. The formal closure of Tribunal operations is planned to occur by the end of 2015, with only the necessary liquidation activities remaining thereafter. Any residual matters beyond the end of 2015, excluding those related to the liquidation of the Tribunal, will be handled by the Residual Mechanism.

168. Since its establishment by the Security Council in 1994, the Tribunal has sought to contribute to peace and reconciliation in the Great Lakes region through justice and through the capacity-building and outreach programmes it created over the past two decades. However, the legacy of the Tribunal and the contributions it will leave behind for posterity exceed the boundaries of any one region. Over the course of the past 21 years, the Tribunal has played a significant role in the development of various facets of international criminal law and international humanitarian law that were at the time of its creation either undeveloped or non-existent. In its pursuit of justice for the victims and survivors of the 1994 genocide against the Tutsi in Rwanda, during which Hutu and others who opposed the genocide were also killed, the Tribunal has been at the forefront of many novel developments and has proven that international criminal justice is a reality and that the establishment of an internationally recognized system of justice provides an avenue of recourse in the fight against impunity in a world that desperately needs the rule of law as an alternative to the use of force.

169. In its final months, the Tribunal continues to ensure that the knowledge gained and lessons learned throughout its existence are not only passed on to its successor, the Residual Mechanism, but are also shared with other national and international jurisdictions. By engaging in numerous awareness-raising campaigns and trainings of legal professionals in Rwanda and throughout Africa and by creating manuals on the best practices and lessons learned, including manuals on the prosecution of sexual and gender-based violence, the Prosecutor's referral of international criminal cases to national jurisdictions and the tracking and arrest of fugitives from international justice, the Tribunal has directly strengthened the capacity of national criminal justice systems to effectively prosecute international crimes. An important initiative that was launched by the Tribunal in 2013 and made significant progress in the past year has been the sharing of developed practices between the international criminal tribunals and the International Criminal Court. The goal of these developed practices workshops, two of which have now been held in The Hague, is to bring together legal officers from the international and hybrid criminal

tribunals to discuss and share developed practices and lessons learned. By conducting these workshops and by producing manuals on best practices and lessons learned, the Tribunal continues to provide the tools necessary for other national and international justice mechanisms to fight against impunity and to ensure the further development of international law.

170. The legacy of the Tribunal is not limited, however, to its judicial decisions or to the capacity-building and outreach programmes it launched over the years. Indeed, as the Tribunal nears closure, it is important to remember that the Tribunal would not be so close to completing its mandate without the immeasurable contributions from the staff of the Tribunal and without the international cooperation and support the Tribunal has received from Member States, which played a central role to the ability of the Tribunal to carry out its core functions.

171. In order to commemorate more than two decades of judicial work, the Tribunal is planning events marking the closure of the Tribunal, with a main closing event being held on Tuesday, 1 December 2015, in Arusha. These closing events once again remind the international community of the unspeakable atrocities that occurred in Rwanda in 1994 and will provide representatives from Member States, government officials, judges, legal practitioners and scholars from across the world the opportunity to come together to discuss the legacy of the Tribunal and to do so one last time in Arusha, the seat of the Tribunal for the past 21 years.

Annex I

Judgements of the Tribunal

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
1	J.-P. Akayesu	<i>Bourgmestre</i> of Taba	30 May 1996	Genocide (genocide, direct and public incitement to commit genocide), crimes against humanity (all counts) Sentence of life imprisonment affirmed on appeal	2 September 1998 1 June 2001
2	J. Kambanda	Prime Minister	1 May 1998	Genocide (genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, complicity in genocide), crimes against humanity (murder, extermination) Sentence of life imprisonment, appeal dismissed	4 September 1998 (guilty plea) 19 October 2000
3	O. Serushago	Businessman, <i>Interahamwe</i> leader	14 December 1998	Genocide, crimes against humanity (murder, extermination, torture) Sentence of 15 years of imprisonment affirmed	5 February 1999 (guilty plea) 14 February 2000
4	C. Kayishema	<i>Préfet</i> of Kibuye	31 May 1996	Genocide Sentence of life imprisonment affirmed	21 May 1999 (<i>joinder</i>)
	O. Ruzindana	Businessman	29 October 1996	Genocide Sentence of 25 years of imprisonment affirmed	1 June 2001

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
5	G. Rutaganda	Businessman, second Vice-President of <i>Interahamwe</i>	30 May 1996	Genocide, crimes against humanity (extermination), Geneva (murder) Sentence of life imprisonment affirmed	6 December 1999 26 May 2003
6	A. Musema	Businessman	18 November 1997	Genocide, crimes against humanity (extermination) Sentence of life imprisonment affirmed	27 January 2000 16 November 2001
7	G. Ruggiu	RTL M Journalist	24 October 1997	Genocide (direct and public incitement to commit genocide), crimes against humanity (persecution) Sentence of 12 years of imprisonment (no appeal)	1 June 2000 (guilty plea)
8	I. Bagilishema	<i>Bourgmestre</i> of Mabanza	1 April 1999	Acquittal confirmed on appeal	7 June 2001 3 July 2002
9	G. Ntakirutimana	Doctor	2 December 1996	Genocide (aiding and abetting genocide), crimes against humanity (murder, extermination) Sentence of 25 years of imprisonment affirmed	21 February 2003 (<i>joinder</i>)
	E. Ntakirutimana	Pastor	31 March 2000	Genocide (aiding and abetting genocide), crimes against humanity (extermination) Sentence of 10 years of imprisonment affirmed	13 December 2004
10	L. Semanza	<i>Bourgmestre</i> of Bicumbi	16 February 1998	Genocide (complicity in genocide), crimes against humanity (rape, torture, murder, extermination), Geneva (murder, rape) Sentence of 25 years changed to 35 years of imprisonment	15 May 2003 20 May 2005

Case No.	Name	Former title	Initial appearance	<i>Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).</i>	
				<i>Appeals Chamber disposition (bold text)</i>	<i>Trial judgement date Appeal judgement date (bold text)</i>
11	E. Niyitegeka	Minister of Information	15 April 1999	Genocide (genocide, conspiracy to commit genocide, direct and public incitement to commit genocide), crimes against humanity (murder, extermination, other inhumane acts) Sentence of life imprisonment affirmed	15 May 2003 9 July 2004
12	J. Kajelijeli	<i>Bourgmestre</i> of Mukingo	19 April 1999	Genocide (direct and public incitement to commit genocide) Sentence of life imprisonment reduced to 45 years of imprisonment	1 December 2003 23 May 2005
13	F. Nahimana	RTL M Director	19 February 1997	Genocide (direct and public incitement to commit genocide), crimes against humanity (persecution) Sentence of life imprisonment reduced to 30 years of imprisonment	<i>“Media” Case (joinder)</i> 3 December 2003 28 November 2007
	H. Ngeze	Kangura Editor	19 November 1997	Genocide (genocide, direct and public incitement to commit genocide), crimes against humanity (extermination) Sentence of life imprisonment reduced to 35 years of imprisonment	
	J.-B. Barayagwiza	Director, Ministry of Foreign Affairs	23 February 1998	Genocide (direct and public incitement to commit genocide), crimes against humanity (persecution, extermination) Sentence of 35 years of imprisonment reduced to 32 years of imprisonment	
14	J. Kamuhanda	Minister of Culture and Education	24 March 2000	Genocide, crimes against humanity (extermination) Sentence of life imprisonment affirmed on appeal	22 January 2004 19 September 2005

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	Trial judgement date
				Appeals Chamber disposition (bold text)	Appeal judgement date (bold text)
15	A. Ntagerura	Minister of Transport	20 February 1997	Acquittal confirmed on appeal	“Cyangugu” Case (joinder)
	E. Bagambiki	Préfet of Cyangugu	19 April 1999	Acquittal confirmed on appeal	25 February 2004 7 July 2006
	S. Imanishimwe	Lt. in FAR	27 November 1997	Crimes against humanity (murder, imprisonment, torture), Geneva (murder, torture, cruel treatment) Sentence of 27 years of imprisonment reduced to 12 years of imprisonment	
16	S. Gacumbitsi	Bourgmestre of Rusumo	20 June 2001	Genocide, crimes against humanity (extermination, rape, murder) Sentence of 30 years changed to life imprisonment	17 June 2004 7 July 2006
17	E. Ndindabahizi	Minister of Finance	19 October 2001	Genocide, crimes against humanity (extermination, murder) Sentence of life imprisonment affirmed	15 July 2004 16 January 2007
18	V. Rutaganira	Conseiller of Mubuga	26 March 2002	Crimes against humanity (extermination) Sentence of 6 years of imprisonment (no appeal)	14 March 2005 (guilty plea)
19	M. Muhimana	Conseiller of Gishyita	24 November 1999	Genocide, crimes against humanity (rape, murder) Sentence of life imprisonment affirmed	28 April 2005 21 May 2007
20	A. Simba	Lieutenant-Colonel in FAR	18 March 2002	Genocide, crimes against humanity (extermination) Sentence of 25 years of imprisonment affirmed	13 December 2005 27 November 2007

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
21	P. Bisengimana	Bourgmestre of Gikoro	18 March 2002	Pleaded guilty to murder and extermination as crimes against humanity Sentence of 15 years of imprisonment (no appeal)	13 April 2006 (guilty plea)
22	J. Serugendo	Technical Director, RTL	30 September 2005	Pleaded guilty to direct and public incitement to commit genocide and persecution as a crime against humanity Sentence of 6 years of imprisonment (no appeal)	12 June 2006 (guilty plea)
23	J. Mpambara	Bourgmestre of Rukara	8 August 2001	Acquitted (no appeal)	11 September 2006
24	T. Muvunyi	Interim Commander, École des sous-officiers	8 November 2000	All trial convictions quashed, sentence of 25 years of imprisonment reversed, order for retrial	12 September 2006 29 August 2008
25	A. Rwamakuba	Minister of Education	7 April 1999	Acquitted (no appeal)	20 September 2006
26	A. Seromba	Priest, Kivumu Commune	8 February 2002	Genocide (genocide, aiding and abetting genocide), crimes against humanity (extermination) Sentence of 15 years of imprisonment changed to life imprisonment	13 December 2006 12 March 2008
27	J. Nzabirinda	Youth organizer	27 March 2002	Crimes against humanity (murder) Sentence of 7 years of imprisonment (no appeal)	23 February 2007 (guilty plea)
28	J. Rugambarara	Bourgmestre of Bicumbi	15 August 2003	Crimes against humanity (extermination) Sentence of 11 years of imprisonment (no appeal)	16 November 2007 (guilty plea)

Case No.	Name	Former title	Initial appearance	<i>Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).</i>	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
29	GAA	Witness before Tribunal proceedings	10 August 2007	Contempt of Tribunal Sentence of 9 months of imprisonment (no appeal)	4 December 2007 (contempt of court)
30	F. Karera	<i>Préfet</i> of Kigali	26 October 2001	Genocide (genocide, complicity in genocide), crimes against humanity (extermination, murder) Sentence of life imprisonment affirmed	7 December 2007 2 February 2009
31	S. Nchamihigo	Deputy Prosecutor of Cyangugu	29 June 2001	Genocide, crimes against humanity (extermination, murder, other inhumane acts) Sentence of life imprisonment reduced to 40 years of imprisonment	24 September 2008 18 March 2010
32	S. Bikindi	Musician	4 April 2002	Genocide (direct and public incitement to commit genocide) Sentence of 15 years of imprisonment affirmed	2 December 2008 18 March 2010
33	P. Zigiranyirazo	Businessman	10 October 2001	All trial convictions and sentence of 20 years reversed, order for acquittal	18 December 2008 16 November 2009
34	T. Bagosora	Director of Cabinet, Ministry of Defence	20 February 1997	Genocide, crimes against humanity (murder, extermination, persecution, other inhumane acts, rapes), Geneva (violence to life, outrages upon personal dignity) Sentence of life imprisonment reduced to 35 years of imprisonment	<i>“Military I” Case (joinder)</i> 18 December 2008 14 December 2011
	A. Nsengiyumva	FAR Lieutenant-Colonel	19 February 1997	Genocide, crimes against humanity (extermination, persecution), Geneva Sentence of life imprisonment reduced to 15 years of imprisonment	 14 December 2011

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
	G. Kabiligi	Brigadier-General in FAR	17 February 1998	Acquitted (no appeal)	
	A. Ntabakuze	FAR Battalion Commander	24 October 1997	Genocide, crimes against humanity (extermination), Geneva Sentence of life imprisonment reduced to 35 years of imprisonment	8 May 2012
35	E. Rukundo	Chaplain	26 September 2001	Genocide (genocide, aiding and abetting genocide), crimes against humanity (extermination, murder) Sentence of 25 years of imprisonment reduced to 23 years of imprisonment	27 February 2009 20 October 2010
36	C. Kalimanzira	<i>Directeur de Cabinet</i> of the Ministry of the Interior	14 November 2005	Genocide (direct and public incitement to commit genocide, aiding and abetting genocide) Sentence of 30 years of imprisonment reduced to 25 years of imprisonment	22 June 2009 20 October 2010
37	L. Nshogoza	Former Defence Investigator	11 February 2008	Contempt of the Tribunal Sentence of 10 months of imprisonment affirmed	2 July 2009 (Contempt of court) 15 March 2010
38	T. Renzaho	<i>Préfet</i> of Kigali-ville	21 November 2002	Genocide, crimes against humanity (murder), Geneva (murder) Sentence of life imprisonment affirmed	14 July 2009 1 April 2011
39	M. Bagaragaza	Director General of Government Office Controlling the Tea Industry	16 August 2005	Pleaded guilty to complicity in genocide, sentenced to 8 years of imprisonment (no appeal)	5 November 2009 (guilty plea)
40	H. Nsengimana	Rector, Christ-Roi College	16 April 2002	Acquitted (no appeal)	17 November 2009

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	Trial judgement date
				Appeals Chamber disposition (bold text)	Appeal judgement date (bold text)
41	T. Muvunyi (retrial)	Interim Commander, École des sous-officiers Camp	8 November 2000	Genocide (direct and public incitement to commit genocide) Sentence of 15 years of imprisonment affirmed	11 February 2010 1 April 2011
42	E. Setako	Lieutenant-Colonel	22 November 2004	Genocide, crimes against humanity (extermination), Geneva (murder) Sentence of 25 years of imprisonment affirmed	25 February 2010 28 September 2011
43	Y. Munyakazi	<i>Interahamwe</i> leader	12 May 2004	Genocide, crimes against humanity (extermination) Sentence of 25 years of imprisonment affirmed	30 June 2010 28 September 2011
44	D. Ntawukulilyayo	<i>Sous-Préfet</i> of Butare Prefecture	10 June 2008	Genocide (aiding and abetting genocide) Sentence of 25 years of imprisonment reduced to 20 years of imprisonment	3 August 2010 14 December 2011
45	G. Kanyarukiga	Businessman	22 July 2004	Genocide, crimes against humanity (extermination) Sentence of 30 years of imprisonment affirmed	1 November 2010 8 May 2012
46	I. Hategekimana	Lieutenant, Commander of Ngoma Camp, Butare	28 February 2003	Genocide, crimes against humanity (murder, rape) Sentence of life imprisonment affirmed	1 December 2010 8 May 2012
47	J.-B. Gatete	<i>Bourgmestre</i> of Murambi	20 September 2002	Genocide, crimes against humanity (extermination) Sentence of life imprisonment reduced to 40 years of imprisonment	29 March 2011 9 October 2012

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	Trial judgement date
				Appeals Chamber disposition (bold text)	Appeal judgement date (bold text)
48	A. Ndindiliyimana	Chief of Staff of Gendarmerie	27 April 2000	Convictions and the single sentence of time served (11 years and 3 months) in custody reversed, acquittal	“Military II” case (joinder) 17 May 2011 11 February 2014
	F.-X. Nzuwonemeye	FAR Battalion Commander	25 May 2000	Convictions and the sentence of 20 years of imprisonment reversed, acquittal	11 February 2014
	I. Sagahutu	Second-in-Command of Reconnaissance Battalion	28 November 2000	Crimes against humanity (murder), Geneva (murder) Sentence of 20 years of imprisonment reduced to 15 years of imprisonment	11 February 2014
	A. Bizimungu	Chief of Staff of FAR	21 August 2002	Genocide, crimes against humanity (extermination, murder, rape), Geneva (murder, rape) Sentence of 30 years of imprisonment affirmed	30 June 2014
49	P. Nyiramasuhuko	Minister of Family and Women’s Affairs	3 September 1997	Genocide (genocide, conspiracy to commit genocide), crimes against humanity (extermination, rape, persecution), Geneva (violence to life, health and physical or mental well-being of persons; outrages upon personal dignity) Sentence of life imprisonment	“Butare” case (joinder) 24 June 2011 Appeal judgement pending
	A. S. Ntahobali	Interahamwe leader	17 October 1997	Genocide, crimes against humanity (extermination, rape, persecution), Geneva (violence to life, health and physical or mental well-being of persons; outrages upon personal dignity) Sentence of life imprisonment	

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
	S. Nsabimana	<i>Préfet</i> of Butare	24 October 1997	Genocide, crimes against humanity (extermination, persecution), Geneva Sentence of 25 years of imprisonment	
	A. Nteziryayo	<i>Préfet</i> of Butare	17 August 1998	Genocide (direct and public incitement to commit genocide) Sentence of 30 years of imprisonment	
	J. Kanyabashi	<i>Bourgmestre</i> of Ngoma	29 November 1996	Genocide (genocide, direct and public incitement to commit genocide), crimes against humanity (extermination, persecution), Geneva Sentence of 35 years of imprisonment	
	E. Ndayambaje	<i>Bourgmestre</i> of Muganza	29 November 1996	Genocide (genocide, direct and public incitement to commit genocide), crimes against humanity (extermination, persecution), Geneva Sentence of life imprisonment	
50	C. Bizimungu	Minister of Health	3 September 1999	Acquitted (no appeal)	“Bizimungu et al.” case (joinder) 30 September 2011
	J. Bicamumpaka	Minister of Foreign Affairs	17 August 1999	Acquitted (no appeal)	
	J. Mugenzi	Minister of Commerce	17 August 1999	Convictions and the sentence of 30 years of imprisonment reversed, acquittal	4 February 2013
	P. Mugiraneza	Minister of Civil Service	17 August 1999	Convictions and the sentence of 30 years of imprisonment reversed, acquittal	4 February 2013
51	G. Ndahimana	<i>Bourgmestre</i> of Kivumu	28 September 2009	Genocide, crimes against humanity (extermination) Sentence of 15 years of imprisonment changed to 25 years of imprisonment	17 November 2011 16 December 2013

Case No.	Name	Former title	Initial appearance	Judgements of the Tribunal: genocide (Statute of the Tribunal, para. 2 (3) a-e); crimes against humanity (Statute, para. 3 a-i); violations of article 3 common to the Geneva Conventions and of Additional Protocol II (Geneva) (Statute, para. 4 a-h).	
				Appeals Chamber disposition (bold text)	Trial judgement date Appeal judgement date (bold text)
52	E. Karemera	Minister of Interior, Vice-President of MRND	7 April 1999	Genocide, crimes against humanity (extermination, rape), Geneva Sentence of life imprisonment affirmed	“Karemera et al.” case (joinder, third accused J. Nzirorera died on 1 July 2010)
	M. Ngirumpatse	General Director at Ministry of Foreign Affairs, President of the Mouvement républicain national pour la démocratie et le développement (MRND)	7 April 1999	Genocide, crimes against humanity (extermination), Geneva Sentence of life imprisonment affirmed	21 December 2011 29 September 2014
53	C. Nzabonimana	Minister of Youth in the interim Government	20 February 2008	Genocide (genocide, conspiracy to commit genocide, direct and public incitement to commit genocide), crimes against humanity (extermination) Sentence of life imprisonment affirmed	31 May 2012 29 September 2014
54	I. Nizeyimana	Second-in-Command, École des sous-officiers	14 October 2009; 5 March and 7 October 2010	Genocide, crimes against humanity (murder), Geneva (murder) Sentence of life imprisonment reduced to 35 years of imprisonment	19 June 2012 29 September 2014
55	A. Ngirabatware	Minister in the interim Government	9 February 2009	Genocide (direct and public incitement to commit genocide; instigating, aiding and abetting genocide), crimes against humanity (rape) Sentence of 35 years reduced to 30 years of imprisonment by the Appeals Chamber of the Residual Mechanism	20 December 2012 18 December 2014

Annex II

Referrals pursuant to rule 11 bis for apprehended accused: four accused in four cases

<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**

<i>Fugitive name</i>	<i>Status</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

Annex IV

Overview of charges and convictions at the Tribunal regarding rape and other sexual violence crimes

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Akayesu	<i>Bourgmestre</i> of Taba Commune	2 September 1998	1 June 2001	Count 13: rape as a crime against humanity Count 14: other inhumane acts as a crime against humanity	TJ, paras. 696, 697 Confirmed on appeal, AJ, para. 214
Serushago	One of the leaders of <i>Interahamwe</i> in Gisenyi Prefecture	5 February 1999 Pleaded guilty	6 April 2000 (Sentence Appeal)	Count 5: rape as a crime against humanity in the amended indictment of 14 October 1998	None Rape charge dropped in guilty plea negotiations
Musema	Director of Gisovu Tea Factory in Kibuye	27 January 2000	16 November 2001	Count 7: rape as a crime against humanity under arts. 6(1) and 6(3)	TJ, para. 967 On appeal, this conviction was overturned and acquittal entered on this count, AJ, para. 194
Bagilishema	<i>Bourgmestre</i> of Mabanza Commune	7 June 2001	3 July 2002	Count 7: “outrages on personal dignity of women” resulting in serious violations of common article 3	None (acquitted on all counts)
Semanza	Former <i>Bourgmestre</i> of Bicumbi Commune, <i>Mouvement républicain national pour la démocratie et le développement</i> (MRND) representative to the National Assembly	15 May 2003	20 May 2005	Counts 7 and 9 include rape as a serious violation of common article 3 Counts 8 and 10: rape as a crime against humanity	Guilty of count 10: Rape as a crime against humanity TJ, para. 479 Confirmed on appeal AJ, paras. 289, 290

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Niyitegeka	Minister of Information of the interim Government	16 May 2003	9 July 2004	Count 7: rape as a crime against humanity Count 8: inhumane acts, including rape as a crime against humanity Count 9: rape as a violation of common article 3, violence to life, health and physical or mental well-being Count 10: rape as a violation of common article 3, outrages upon personal dignity	Guilty of count 8: Crime against humanity other inhumane acts- "sexual violence", TJ, para. 467 Confirmed on appeal, AJ, para. 270
Kajelijeli	<i>Bourgmestre</i> of Mukingo Commune from June to July 1994; One of the leaders of <i>Interahamwe</i> in Ruhengeri	1 December 2003	23 May 2005	Count 7: rape as a crime against humanity Count 11: humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault as a violation of common article 3	None
Barayagwiza	President of CDR; Founder and Director of <i>RTLM</i> radio station	3 December 2003	28 November 2007	Count 8: outrages upon personal dignity as a serious violation of common article 3	None Acquitted at rule 98 bis stage
Kamuhanda	Minister of Higher Education in interim Government	22 January 2004	19 September 2005	Count 6: rape as a crime against humanity	None

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
				Count 8: rape, outrage upon personal dignity as a serious violation of common article 3	
Gacumbitsi	<i>Bourgmestre of Rusumo Commune in Kibungo Préfecture</i>	17 June 2004	7 July 2006	Count 5: rape as a crime against humanity	TJ, paras. 321-333 Confirmed on appeal, AJ, paras. 99-108
Ndindabahizi	Minister of Finance in interim Government	15 July 2004	16 January 2007	Count 5 of the amended indictment of 5 October 2001 (rape as a crime against humanity) but rape count dropped in the amended indictment of 1 September 2003 (TJ, paras. 9, 13)	None
Muhimana	<i>Conseiller of Gishyita Sector, Gishyita Commune, Kibuye Prefecture</i>	28 April 2005	21 May 2007	Count 3: rape as a crime against humanity	TJ, paras. 552-563 Confirmed on appeal (except for the rapes of Gorette Mukashyaka and Languida Kamukina, AJ, Disposition)
Bisengimana	<i>Bourgmestre of Gikoro Commune, Kigali-Rural Préfecture</i>	13 April 2006 Pleaded guilty	Not Appealed	Count 8: rape as a crime against humanity Count 9: serious sexual abuse as a crime against humanity Count 11: rape as a serious violation of common article 3	None Rape counts dropped in guilty plea negotiations

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
				Count 12: causing serious violence to life as a serious violation of common article 3	
Mpambara	<i>Bourgmestre</i> of Rukara Commune in Eastern Rwanda	11 September 2006	Not appealed	Counts 1 and 2: rape as part of genocide	None (acquitted on all counts)
Muvunyi	Colonel in Rwandan Army and Commander of ESO camp in Butare	12 September 2006 (<i>Muvunyi 1</i>)	29 August 2008 (<i>Muvunyi 1</i>)	Count 4: rape as a crime against humanity	None (all convictions and the sentence were set aside and a retrial of one allegation of direct and public incitement to commit genocide was ordered)
Rwamakuba	Minister of Primary and Secondary Education in interim Government	20 September 2006	Not appealed	(Joint amended indictment of November 2001) Count 3: rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide Count 5: rape as a crime against humanity	None Rape charges dropped in the separate amended indictment of 23 February 2005 (acquitted on all counts)
Nzabirinda	Employee of Ngoma Commune as <i>Encadreur</i> of Youth	23 February 2007 Pleaded guilty	Not appealed	Counts 1 and 2: rape as part of genocide Count 4: rape as a crime against humanity	None Rape charges dropped in guilty plea negotiations
Rugambarara	<i>Bourgmestre</i> of Bicumbi Commune, Kigali-Rural Prefecture	16 November 2007 Pleaded guilty	Not appealed	Count 7: rape as a crime against humanity	None Rape charges dropped in guilty plea negotiations

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
				Count 9: rape, violence to life, health and physical or mental well-being, outrage upon personal dignity, as a serious violation of common article 3	
Nchamihigo	<i>Substitut du Procureur</i> in Cyangugu and <i>Interahamwe</i> leader	12 November 2008	18 March 2010	Count 4: “genital mutilation” as part of other inhumane acts as a crime against humanity	None No evidence led on genital mutilation, TJ, paras. 221, 361
Bikindi	Musician	2 December 2008	18 March 2010	Counts 2 and 3: rape and sexual violence as part of genocide	None
Bagosora	<i>Directeur de Cabinet</i> in the Ministry of Defence	18 December 2008	14 December 2011	Count 1: rape and other crimes of a sexual nature as part of conspiracy to commit genocide Counts 2 and 3: rape and other crimes of a sexual nature as part of genocide Count 4: rape and other crimes of a sexual nature as part of murder as a crime against humanity Count 6: rape and other crimes of a sexual nature as part of extermination as a crime against humanity	Count 2: TJ, para. 2158, under art. 6(3) Count 4: Trial Chamber, para. 2186 Count 6: TJ, para. 2194 Count 7: TJ, para. 2203, under art. 6(3) Count 8: TJ, para. 2213 Count 9: TJ, para. 2224, under art. 6(3) Count 10: TJ, para. 2245 Count 12: TJ, para. 2254, under art. 6(3)

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
				Count 7: rape as a crime against humanity Count 8: rape and other crimes of a sexual nature as part of persecution as a crime against humanity Count 9: rape and other crimes of a sexual nature as part of other inhumane acts as a crime against humanity Count 10: killing and causing violence to health and to the physical and mental well-being as a serious violation of common article 3 Count 12: outrages upon personal dignity as a serious violation of common article 3	Convictions for counts 2, 6, 7, 8, 10, 12 confirmed on appeal, AJ, para. 721
Kabiligi	Brigadier General (G3, Chief of Operations at headquarters)	18 December 2008	Not appealed	Count 6: rape as a crime against humanity Count 8: other inhumane acts as a crime against humanity in connection with the sexual assault of the Prime Minister Count 10: outrages upon personal dignity as a serious violation of common article 3	None Acquitted on all counts, TJ, para. 2204

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Nsengiyumva	Colonel, Chief of Operations in Gisenyi	18 December 2008	14 December 2011	Count 7: rape as a crime against humanity Count 9: other inhumane acts as a crime against humanity in connection with the sexual assault of the Prime Minister Count 11: outrages upon personal dignity as a serious violation of common article 3	None
Ntabakuze	Major, Commander of Para-Commando Battalion	18 December 2008	8 May 2012	Counts 2 and 3: rape as part of genocide Count 6: rape as a crime against humanity Count 8: other inhumane acts as a crime against humanity in connection with the sexual assault of the Prime Minister Count 10: outrages upon personal dignity as a serious violation of common article 3	None
Rukundo	Military Chaplain	27 February 2009	20 October 2010	Count 1: sexual assault as part of genocide	TJ, paras. 574-576 Conviction quashed on appeal, AJ, paras. 237, 238

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Renzaho	<i>Préfet</i> of Kigali-Ville	14 July 2009	1 April 2011	Count 1: acts of sexual violence as part of genocide Count 4: rape as a crime against humanity Count 6: rape as a serious violation of common article 3	Count 1: TJ, para. 779, under art. 6(3) Count 4: TJ, para. 794, under art. 6(3) Count 6: TJ, para. 811, under art. 6(3) Convictions reversed on appeal for pleading issues, AJ, para. 129
Hategekimana	Commander of Ngoma Camp in Butare	6 December 2010	8 May 2012	Counts 1 and 2: rape as part of genocide Count 4: rape as a crime against humanity	Count 4: TJ, para. 729, under art. 6(3) Confirmed on appeal, AJ, paras. 203 and 204
Gatete	President of MRND in Murambi Commune and leader of <i>Interahamwe</i>	31 March 2011	9 October 2012	Count 6: rape as a crime against humanity	None
Bizimungu, Augustin	Chief of Staff of Army	17 May 2011	30 June 2014	Count 6: rape as a crime against humanity Count 8: rape and other humiliating and degrading treatment as a violation of common article 3	Convicted under art. 6(3), TJ paras. 2127 and 2161 Reversed on appeal, AJ, para. 321
Nzuwonemeye	Commander of RECCE Battalion	17 May 2011	11 February 2014	Count 6: rape as a crime against humanity Count 8: violation of common article 3	None

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Sagahutu	Second in Command of RECCE Battalion	17 May 2011	11 February 2014	Count 6: rape as a crime against humanity Count 8: violation of common article 3	None
Ntahobali	Led a group of MRND militia men	24 June 2011	Pending	Count 7: rape as a crime against humanity Count 11: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	Count 7: under art. 6(1), TJ, para. 6094 Count 11: under art. 6(3), TJ, para. 6185 Appeal pending
Nyiramasuhuko	Minister of Family and Women's Development and member of MRND	24 June 2011	Pending	Count 7: rape as a crime against humanity Count 11: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	Under art. 6(3), TJ, para. 6093 Count 11: under art. 6(3), TJ, para. 6183 Appeal pending
Bicamumpaka	Minister for Foreign Affairs	30 September 2011	Not appealed	Count 8: rape as a crime against humanity Count 10: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	None Acquitted at rule 98 bis stage (Acquitted on all counts)
Mugiraneza	Minister of Civil Service	30 September 2011	4 February 2013	Count 8: rape as a crime against humanity Count 10: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	None Acquitted at rule 98 bis stage

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Bizimungu, Casimir	Minister of Health	30 September 2011	Not appealed	Count 8: rape as a crime against humanity Count 10: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	None Acquitted at rule 98 bis stage (Acquitted on all counts)
Mugenzi	Minister of Trade and Commerce	30 September 2011	4 February 2013	Count 8: rape as a crime against humanity Count 10: outrages upon personal dignity, rape and indecent assault as serious violations of common article 3	None Acquitted at rule 98 bis stage
Karemera	Minister of Interior Affairs as at 25 May 1994 First Vice-President of MRND	2 February 2012	29 September 2014	Count 3: rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide Count 5: rape as a crime against humanity	Count 3: TJ, paras. 1670 under art. 6(1), 1671 under art. 6(3) Count 5: TJ, para. 1684 under both arts. 6(1) and 6(3) Joint criminal enterprise to commit genocide convictions confirmed on appeal, art. 6(3) conviction for rapes committed outside Kigali reversed, AJ, para. 748

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Ngirumpatse	President of MRND	2 February 2012	29 September 2014	Count 3: rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide Count 5: rape as a crime against humanity	Count 1: TJ, paras. 1670 under art. 6(1), 1671 under art. 6(3) Count 5: TJ, para. 1684 under both art. 6(1) and 6(3) JCE 3 convictions confirmed on appeal, art. 6(3) conviction for rapes committed outside Kigali reversed, AJ, para. 748
Nzirorera	National Secretary of MRND	Accused deceased during trial		Count 3: rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide Count 5: rape as a crime against humanity	None
Nzabonimana, Callixte	Minister of Youth and Associative Movements in the interim Government	31 May 2012	29 September 2014	Count 7 of the initial Indictment of 21 November 2001: rape as a crime against humanity, but charge dropped in the amended indictments of 12 November 2008 and 24 July 2009, TJ paras. 1828-1829; and para. 1841	None Rape count dropped

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Nizeyimana	Captain in the Forces Armées Rwandaises (FAR); S2/S3, in charge of intelligence and military operations at the École des sous-officiers, Butare Prefecture	19 June 2012	29 September 2014	Counts 1 and 2: acts of sexual violence as part of genocide Count 4: rape as a crime against humanity Count 6: rape as a serious violation of common article 3	Acquitted on rape counts; acquittal confirmed on appeal, AJ, paras. 419 and 420
Ngirabatware, Augustin	Minister of Planning in the interim Government	20 December 2012	18 December 2014	Count 6: rape as a crime against humanity (through a joint criminal enterprise to commit genocide)	TJ, paras. 1390-1393 Conviction reversed on appeal, AJ, para. 252
Bizimana, Augustin	Minister of Defence	At large		Counts 1 and 2: rape as part of genocide Count 5: rape as a crime against humanity Count 6: torture as a crime against humanity Count 7: other inhumane acts as a crime against humanity Count 8: persecution as a crime against humanity Count 10: torture as a violation of common article 3 Count 11: rape as a violation of common article 3	If arrested, accused will be tried before the Residual Mechanism

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
				Count 12: cruel treatment as a violation of common article 3	
				Count 13: outrages upon personal dignity as a violation of common article 3	
Munyangishari	Secretary-General of the MRND for the Gisenyi City, President for the <i>Interahamwe</i> of Gisenyi			Counts 2 and 3: rape as part of genocide Count 5: rape as a crime against humanity	Case transferred to Rwanda
Ndimbati	<i>Bourgmestre</i> of Gisovu Commune	At large		Counts 1 and 2: rape as part of genocide Count 6: rape as a crime against humanity Count 7: rape as part of persecution as a crime against humanity (rape charges added in the second amended indictment filed on 8 May 2012)	Case transferred to Rwanda
Ntaganzwa	<i>Bourgmestre</i> of Nyakizu Commune	At large		Counts 1 and 2: rape as part of genocide Count 5: rape as a crime against humanity (rape charges added in the second amended indictment filed on 30 March 2012)	Case transferred to Rwanda

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Ryandikayo	Businessman in Mubuga sector	At large		<p>Counts 1 and 2: rape as part of genocide</p> <p>Count 6: rape as a crime against humanity</p> <p>Count 7: rape as part of persecution as a crime against humanity</p> <p>(rape charges added in the second amended indictment filed on 8 May 2012)</p>	Case transferred to Rwanda
Mpiranya	Commander of the Presidential Guard Battalion of FAR and Commander of the Presidential Guard “Camp Kimihurura”	At large		<p>Count 5: rape as a crime against humanity, or alternatively, rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide</p> <p>Count 7: other inhumane acts as a crime against humanity — including acts committed on the body of the Prime Minister, or alternatively, rape as a natural and foreseeable consequence of a joint criminal enterprise to commit genocide</p>	If arrested, accused will be tried before the Residual Mechanism

<i>Case</i>	<i>Position</i>	<i>Date of trial judgement</i>	<i>Date of appeal judgement</i>	<i>Charge of rape and/or other sexual violence crimes</i>	<i>Conviction for rape and/or other sexual violence crimes</i>
Munyarugarama	Lieutenant Colonel in FAR, Commander of Gako Camp	At large		Counts 1 and 2: rape as part of genocide Count 7: rape as a crime against humanity	Case transferred to Rwanda
Munyeshyaka, Wenceslas	Priest, Vicar of Sainte Famille Parish, Kigali City	Case transferred to France		Count 2: rape as a crime against humanity	Case transferred to France (accused residing in France)
Bucyibaruta, Laurent	<i>Préfet</i> , Gikongoro Prefecture	Case transferred to France		Count 6: rape as a crime against humanity	Case transferred to France (accused residing in France)

Abbreviations/explanations:

TJ: trial judgement.

AJ: appeal judgement.

Common article 3: article 3 common to the Geneva Conventions of 1949 and Additional Protocol II thereto.