

ICTR

International Criminal Tribunal
for Rwanda



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Tribunal pénal international
pour le Rwanda

UNITED NATIONS  NATIONS UNIES

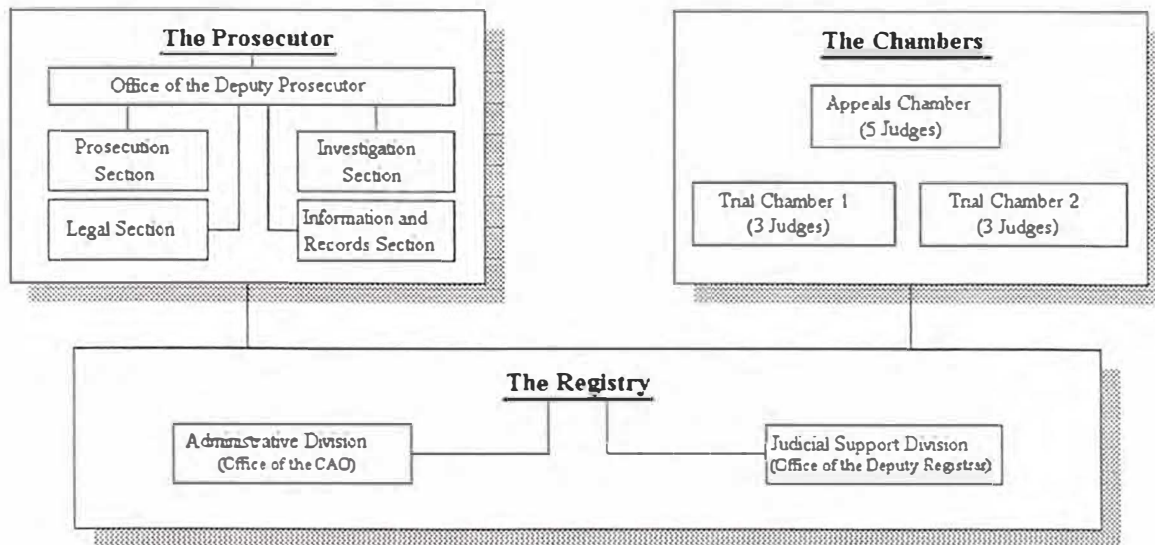
**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

Arusha International Conference Centre
P.O. Box 6016, Arusha, Tanzania
Tel: 255 57 4207-11/4367-72 or 1 212 963 2850—Fax: 255 57 4000/4373 or 1 212 963 2848

**INTRODUCTION
to the
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
(ICTR)**

March 1997

ICTR's Organizational Chart



The International Criminal Tribunal for Rwanda (ICTR) was established by the Security Council under Resolution 955 of 8 November 1994 for the Prosecution of persons responsible for Genocide and other serious violations of International Humanitarian Law committed in the territory of Rwanda and Rwandan citizens responsible for genocide and other serious violations of International Humanitarian Law committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994.

The ICTR governing bodies

A - The Chambers

The Chambers are composed of two Trial Chambers and an Appeals Chamber. Each Trial Chamber is composed of three Judges. The Appeals Chamber, which is composed of five Judges, serves both the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR).

B - The Office of the Prosecutor

The Office of the Prosecutor is composed of four principal sections: the Prosecution Section, the Investigations Section, the Information and Records Section and the Legal Section. The Prosecutor herself/himself is appointed by the Security Council to serve both Tribunals (ICTR and ICTY).

C - The Office of the Registrar

The Registrar is responsible for the administration and servicing of the International Criminal Tribunal for Rwanda. The Registry consists of a Registrar and such other staff as may be required.

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Press and Information Office
Bureau du Chargé de la Presse et de l'Information

Arusha International Conference Centre
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Information File
(Unofficial)

Introduction

Recognizing that serious violations of the Humanitarian Law were committed in Rwanda, and acting under Chapter VII of the United Nations Charter, the Security Council created the International Criminal Tribunal for Rwanda by virtue of Resolution 955 (1994) of 8 November 1994. This action is also to contribute to the process of national reconciliation in Rwanda and to maintaining peace in the region. In Resolution 977 (1995) of 22 February 1995, the Security Council decided that the seat of the Tribunal would be located in Arusha.

1. ICTR Law

The International Criminal Tribunal for Rwanda is governed by its Statute, which is annexed to Security Council Resolution 955. The Rules of Procedure and Evidence, which the Judges adopted in accordance with Article 14 of the Statute, establishes the necessary framework for the functioning of the judiciary system. The Tribunal consists of three organs: the Chambers and the Appeals Chamber; the Office of the Prosecutor, in charge of investigations and prosecutions; and the Registry, responsible for providing overall judicial and administrative support to the Tribunal.

2. Jurisdiction of the ICTR

- ⇒ Ratione materiae: Genocide, crimes against humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II shall be punishable;
- ⇒ Ratione temporis: crimes committed between 1 January and 31 December 1994;
- ⇒ Ratione Personae et ratione loci: crimes committed by Rwandans in the territory of Rwanda and in the territory of neighbouring States, as well as non-Rwandan citizens for crimes committed in Rwanda.

3. The Judges

The Judges were elected in May 1995 by the General Assembly pursuant to Article 12 of the ICTR Statute. The Chambers are composed of 11 Judges with 3 Judges for each of the two Trial Chambers and 5 Judges for the Appeals Chamber, which is shared with the International Criminal Tribunal for the Former Yugoslavia. The 6 Judges of the two Trial Chambers sit in Arusha. The

Judges elected a President, the Honorable Judge Laity Kama (Senegalese), a Vice-President, the Honorable Judge Yakov Ostrovsky (Russian) and a Presiding Judge for each of the two Trial Chambers, Honorable Judge Laity Kama for Trial Chamber 1 and Honorable Judge William Sekule (Tanzanian) for Trial Chamber 2. The other Honorable Judges include: Mr. Lennart Aspegren (Swedish), Mr. Tafazzal Hossain Khan (Bangladeshi) and Ms. Navanethem Pillay (South African).

4. The Office of the Prosecutor

The Office of the Prosecutor is headed by the Prosecutor, the Honorable Justice Louise Arbour of Canada, who succeeded Justice Richard Goldstone of South Africa. She was appointed by the Security Council and officially took up her post on 1 October 1996. The Honorable Justice Louise Arbour serves as the Prosecutor for the Tribunals for both Rwanda and the Former Yugoslavia. In accordance with Article 15(3) of the Statute, the Honorable Justice Louise Arbour is assisted in her duties by two Deputy Prosecutors, one for each Tribunal. The headquarters of the Office of the Prosecutor for Rwanda is located in Kigali. The office was opened on 21 March 1995 when the Deputy Prosecutor arrived in Kigali, Rwanda.

5. The Registry

The Registry is headed by Registrar, Mr. Agwu Ukiwe Okali, who was appointed on 26 February 1997 by the Secretary General, after consultation with the President of the ICTR. His predecessor was appointed in September 1995 and took office in Arusha in November 1995. In accordance with Article 16 of the Statute, "The Registry shall be responsible for the administration and servicing of the International Tribunal for Rwanda".

6. State of Affairs

- * The first indictment, charging 8 accused, was issued 28 November 1995;
- * One trial will soon be over and the other ones are scheduled for 1997;
- * Currently, there are 14 confirmed indictments against 21 accused, and 13 detainees (11 in Arusha, 1 in Switzerland, 1 in the United States). In addition, upon an order of the ICTR, two other suspects are in custody in Cameroon.

7. Budget and Human Resources

The interim budget approved for 1997 is estimated at \$46,732,700 (net). A revised budget will soon be submitted. This budget provides for posts for ICTR personnel. Among these, 187 are professional-level posts and the remaining 195 fall under general services. Currently, the ICTR also enjoys the assistance of seconded personnel. In all, there are 37 professionals, of whom 36 are based in Kigali and 1 in Arusha.

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Judge Laïty Kama (Senegal)

(President of the Tribunal and Presiding Judge of Trial Chamber 1)

Judge Laïty Kama was born in 1939 in Dakar. He began his career as a Magistrate in Senegal in 1969, after which he successively became Examining Judge in Diourbel (1969-1973), Deputy Public Prosecutor (1973-1974) and Public Prosecutor in Thiès (1974-1978). For 15 years he was then Assistant Public Prosecutor at the Court of Appeal and the Assize Court in Dakar. Lastly, in 1992, he was appointed First Assistant Public Prosecutor at the Supreme Court of Appeal. Judge Kama was instrumental in the establishment of the *Ecole nationale de la Magistrature du Sénégal* in Dakar, where he taught for 20 years.

As an expert, he represented Africa in the Working Group on Arbitrary Detention, established by the United Nations Commission on Human Rights. Judge Kama presided over the drafting sessions of Benin's new code of criminal procedure. As a member of the Senegalese delegation to the (UN) Commission of Human Rights in Geneva from 1983 to 1990, he participated in the negotiations of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Later, he conducted seminars on human rights and the administration of justice (1991 in Kigali and 1993 in Bujumbura).

Judge Lennart Aspegren (Sweden)

(Member of Trial Chamber 1)

Judge Lennart Aspegren was born in 1931. He began his career within the Swedish judicial system as a Magistrate in 1958. After serving in various courts of civil and criminal law, he was appointed Judge of the Stockholm Court of Appeal in 1979. Judge Aspegren also served as Legal Adviser to his Government, mainly within the Ministry of Finance from 1969. From 1979 to 1996, he was Under-Secretary for Legal Affairs at the Ministry for Public Administration, and, in 1991, his duties were extended to include International Affairs, with particular emphasis on relations with the European Community. During the period 1994 to 1995, he served as Judge at the High Court for Social Welfare, in addition to being judge of the Swedish Labour Court from 1980 to 1996.

Furthermore, Judge Aspegren was chairman of several governmental commissions of enquiry from 1992 to 1995. In his official capacity and as an expert in public management, he took part in many international negotiations and conferences. He served not only in the OECD, the ILO, the UNDP and other organisations, but also provided consultancy services to a number of governments the world over. In 1995, he directed a bilateral project, in South Africa, on the restructuring of the legal system, including the judiciary.

All the six Judges of the two Trial Chambers were elected on 24 and 25 May 1995 by Decision 49/324 of the General Assembly of United Nations.

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Judge Tafazzal Hossain Khan (Bangladesh)
(Member of Trial Chamber 2)

Judge T.H. Khan was born in 1925. He was enrolled as an advocate in the then East Pakistan High Court in March 1951, as an advocate of the Pakistan Supreme Court in 1956 and as Senior advocate in 1982. Judge Khan was elected President of the Supreme Court Bar Association, the apex body of the country's legal practitioners, in 1978-1979 and 1995. He was appointed Minister of Law and Parliamentary Affairs of the Government of the People's Republic of Bangladesh in 1981. Simultaneously, he held the portfolio of the Ministry of Land Administration and Land Reform, as well as that of the Ministry of Information and Broadcasting.

In 1982, he was appointed Minister for Education, Sports and Culture, as well as Minister of Religious Affairs. He attended General Assembly sessions of the United Nations in 1992 and 1994 as a member of the Bangladeshi delegation. In 1992 he was elected member of the Sub-Commission of the United Nations Commission on Human Rights on the Prevention of Discrimination and Protection of Minorities.

Judge Yakov Arkadievich Ostrovsky (Russian Federation)
(Vice-President, Member of Trial Chamber 2)

Judge Yakov A. Ostrovsky was born in 1927. He was Professor of International Law at the Moscow State Institute of International Relations, as well as a Member of the Scientific Council of the Moscow Institute of International Law. Judge Ostrovsky was Council Member of the Moscow Association of International Law; Consultant on International Public Law and Humanitarian Law to the Constitutional Court and the Supreme Court of the Russian Federation.

From 1960 to 1966, he was appointed Chief of Social and Legal Problems Desk in the USSR's Permanent Mission to the United Nations. He represented the USSR in the Commission on Human Rights and the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. He has worked on a wide range of international law issues, especially in the field of Human Rights and, since 1987, he has been Legal Adviser to the Ministry of Foreign Affairs.

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Judge Navanethem Pillay (South Africa)
(Member of Trial Chamber 1)

Judge Navanethem Pillay was born in 1941 and became the first black woman to start a law practice in Natal (1967). From 1967 to 1995, she was senior partner of a law firm. Judge Pillay was the first black woman attorney to be appointed acting judge of the Supreme Court in South Africa and lecturer at Natal University (department of Public Law 1989).

Judge Pillay is a trustee of Lawyers for Human Rights and the Legal Resources Center, as well as a member of both the Women's National Coalition and the Black Lawyers' Association. She was appointed Vice-President of the Council of University of Durban Westville by President Nelson Mandela. Judge Pillay is Chair of Equality Now, an international human rights organization for action on women's rights, based in New York.

Judge William Hussein Sekule (Tanzania)
(Presiding Judge of Trial Chamber 2)

Judge William Sekule was born in 1944. He was State Attorney, Senior State Attorney and Principal State Attorney from 1970 to 1979 at the Attorney General's Chambers. He was Director of Public Prosecution from October 1979 to April 1987 and Judge at the High Court of Tanzania since April 1987. Judge Sekule was a member of the Board of the Faculty of Law, University of Dar Es Salaam (1978-1987) and a member of the Police and Prison Service Commission from 1978 to 1987.

He participated in the meeting of the 7th United Nations Congress on The Prevention of Crime and The Treatment of Offenders, at Addis Ababa in 1983. In 1993, he was elected one of the Vice Chairmen of the meeting of the Thirty-ninth session of the United Nations Commission on Human Rights in Geneva. During that Commission's session he was also Deputy Leader of the delegation of the United Republic of Tanzania.

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BIOGRAPHICAL NOTES OF THE MEMBERS OF THE APPEALS CHAMBER

Antonio Cassese (Italy)
Presiding Judge

Judge Cassese was born in 1937. He has been Professor of International Law in the faculty of Political Science at the University of Florence since 1975 and Professor of International Law at the European Political Institute in Florence since 1987. He has represented the Italian Government on many occasions at United Nations meetings on human rights and at the Geneva Diplomatic Conference on the Humanitarian Law of armed conflicts (1974-1977). Until his election as a judge of the Tribunal in 1993, Judge Cassese was President of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment.

Adolphus Karibi-Whyte (Nigeria)

Judge Karibi-Whyte, born in 1932, is also a Justice of the Supreme Court of Nigeria. He has been chairman of a number of tribunals and judicial inquiries in his country, including the Civil Disturbances Tribunal. He has nearly 20 years of judicial experience as well as 10 years at the Supreme Court, together with experience within the Ministry of Justice.

Haopei Li (China)

Judge Li—born in 1906—, was Legal Adviser to the Ministry of Foreign Affairs and part-time Professor of International Law at Beijing University. In addition to his teaching duties in China, Judge Li is a member of both the Institute of International Law and the Permanent Court of Arbitration. He has represented China on a number of occasions on international committees and was the Chinese representative to the United Nations Conference on the Law of Treaties between States and International Organisations. Judge Li was also one of the drafters of the first Criminal Law of China and of the Law of Criminal Procedure.

Datuk Lal Vohrah (Malaysia)

Judge Vohrah (born in 1934) served as a High Court Judge in Malaysia for more than 15 years. He has attended several international meetings, including the United Nations Conference on the Law of Treaties at Vienna in 1969, the Third United Nations Conference on the Law of the Sea at Caracas in 1974 and inter-State negotiations on the delimitation of territorial sea and continental shelf boundaries.

Sir Ninian Stephen (Australia)

Judge Stephen, who was born in 1923, began his career at the Bar in the early 1950's. He was appointed to the Supreme Court of Victoria in 1970, where he sat in both civil and criminal jurisdictions prior to being appointed to the High Court of Australia in 1972. Judge Stephen was appointed to the Privy Council in 1979 and consequently sat as a member of its Judicial Committee. In 1982 he was appointed Governor-General of Australia, a position he held until 1989.



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Justice Louise Arbour (Canada)
(Prosecutor)

Justice Louise Arbour was born in Montreal in 1947. She was admitted to the Quebec Bar in 1971 and the bar of Ontario in 1977, and served for 13 years as Associate Professor of Law and later Associate Dean at Osgoode hall Law school at York University (criminal law, criminal procedure, evidence, droit civil). Justice Arbour became a member of the bench in December 1987, first as a trial judge at the Supreme Court of Ontario and, in 1990, at the Ontario Court of Appeal. In April 1995 she was chosen to lead an official investigation into the operations of correctional services in Canada, based on allegations by female inmates at the women's prison in Kingston (Ontario).

Until her appointment to the bench, she served as Vice President of the Canadian Civil Liberties Association. Additionally, she is a life member of the Association des Juristes d'Expression Française de l'Ontario. **Justice Arbour was appointed Prosecutor by the Security Council of the United Nations on 29 February 1996.**

Deputy-Prosecutor (is not appointed yet)

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Agwu Ukiwe Okali (Nigeria)

(Registrar)

Mr. Okali was born in 1943 in Nigeria. He began his career as a Legal Advisor to Housing Innovations, Inc., a community-based U.S. Government supported inner city housing renewal enterprise in Boston firm in 1970. He served as Assistant Counsel at Connecticut General Insurance Corporation, a major US Corporation (now CIGNA Corporation) with special responsibility for international commercial transaction, Antitrust and Trade Regulation matters and Agency Law from 1971 to 1975. Since 1974 he is a member of Connecticut State Bar. He joined the United Nations in 1975 at the Office of Legal Affairs and also served in the United Nations on International Trade Law (UNCIRAL) as responsible in diverse legal matters. Mr Okali was appointed as Secretary of the 58-member Commission on Human Settlements and Chief of External Relations of the United Nations Centre for Human Settlements (Habitat) soon after its creation in 1979. In 1987 he became Director of UNCHS (Habitat) in New York Office until 1991, when he was recalled to UNCHS Headquarters in Nairobi for a position of Director in the, Office of the Executive Director and Special Programmes, where he supervised the preparation of the Conference of Section United Nations Conference on Human Settlements (Habitat II).

Currently he serves as Deputy Executive Head of Habitat undertaking day-to-day management functions, in addition to specific supervisory responsibility for Administration, Fund Management, relations with governments and general institutional and legal matters. He directed major investigation for OLA and DPA ordered by the Secretary-General in relation to the Somalia operations. **Mr Okali was appointed by the Secretary-General of the United Nations as Registrar of the International Criminal Tribunal for Rwanda (UNICTR) on 26 of February 1997.**

Deputy Registrar
(in the process of being recruited)

Mohammed Said (Ethiopia)
(Acting Chief of Administration)

Mr. Mohammed Said was born in 1932 in Ethiopia. He began his career as Chief Accountant of the Ethiopian Electric Light and Power Authority in Addis Ababa, Ethiopia. Mr Mohammed Said joined the United Nations in September 1965, where he held several high positions. From 1979 to 1987 he was a Deputy Director UN/Accounts Division, Office of the Controller. From 1987 he was Executive Officer, United Nations Department of Technical Cooperation for Development, New York until 1990, when he became the Director of Administration, in the International Trade Centre, Geneva, Switzerland. In 1991 he was appointed as an advisor to the Under-Secretary-General of the Department of Administration and Management, in New York.

Mr Said has been on several United Nations Peace Keeping Operations as Chief of Administration, namely, Naqura (Lebanon), Luanda (Angola) and Western Sahara. **Mr. Said was appointed by the Secretary-General of the United Nations as Acting Chief of Administration since November 1996 to assist the Tribunal in its start-up operations.**

Status of cases at the 21th March 1997

- * The first indictment, charging 8 accused, was issued 28 November 1995;
- * Currently, there are 14 confirmed indictments against 21 accused, and 13 detainees (11 in Arusha, 1 in Switzerland, 1 in the United States). In addition, upon an order of the ICTR, two other suspects are in custody in Cameroon.
- * The following accused are in custody at the ICTR Detention Unit located in Arusha, Tanzania:
 1. Akayesu Jean-Paul - transferred to Arusha on 26 May 1996. Trial started on 9 January 1997 and recessed approximately two months later. It is scheduled to continue on 12 May 1997;
 2. Bagosora Théoneste - transferred to Arusha on 23 January 1997;
 3. Kanyabashi Joseph - transferred to Arusha on 7 November 1996;
 4. Kayishema Clément - transferred to Arusha on 26 May 1996. The trial is scheduled to start on 8 April 1997;
 5. Nahimana Ferdinand - transferred to Arusha on 23 January 1997;
 6. Ndayambaje Elie - transferred to Arusha on 7 November 1996;
 7. Nsengyumva Anatole - transferred to Arusha on 23 January 1997;
 8. Ntagerura André - transferred to Arusha on 23 January 1997;
 9. Ntakirutimana Gérard - transferred to Arusha on 25 November 1996;
 10. Rutaganda Georges - transferred to Arusha on 26 May 1996. The trial started on 18 March 1997;
 11. Ruzindana Obed - transferred to Arusha on 22 September 1996. The trial is scheduled to start on 8 April 1997.

The other accused are:

1. Ladislav Ntaganzwa;
2. Elizaphan Ntakirutimana (USA);
3. Charles Sikubwabo;
4. Ignace Bagilishema Ntaganda;
5. Aloys Ndimbati;
6. Vincent Rutaganira;
7. Mika Muhimana;
8. Ryandikayo;
9. Alfred Musema (Switzerland);
10. Elizer Niyitigeka.