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**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

Arusha International Conference Centre  
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**INTEROFFICE MEMORANDUM — MEMORANDUM INTERIEUR**

To: The President,  
A: International Criminal Tribunal for  
Rwanda.

Date: 30 April 2013

The President,  
Mechanism for International Criminal  
Tribunals.

Received by the Registry  
Mechanism for International Criminal Tribunals  
30/04/2013 11:21

Through: Mr. Bongani Majola  
Registrar, ICTR.

From: Constant K. Hometowu  
De: ICTR Appointed Monitor for the Uwinkindi case.

Subject: **Report of the Court Monitor for the Uwinkindi Case**  
Objet: **(1 to 30 April 2013)**

**Introduction and Background**

1. I submit this report pursuant to my appointment as an ICTR Registry staff monitor to observe the case of Jean Uwinkindi, transferred to the Republic of Rwanda for trial, pursuant to Rule 11 *bis* of the ICTR Rules of Procedure and Evidence.<sup>1</sup> Jean Uwinkindi, currently under detention at the Kigali Central Prison, was transferred to Rwanda on 19 April 2012, following the Appeals Chamber's "Decision on Uwinkindi's Appeal against the Referral of his Case to Rwanda and related Motions"<sup>2</sup> confirming the

<sup>1</sup> *The Prosecutor v. Jean Uwinkindi, Case Number ICTR-01-79R11bis*, Order by the Registrar Appointing a Second Monitor to the Referred Case of Jean Uwinkindi in Rwanda, 25 September 2012

<sup>2</sup> *Jean Uwinkindi v. the Prosecutor Case Number ICTR-01-72-AR11bis* "Decision on Uwinkindi's Appeal against the Referral of his Case to Rwanda and related Motions", 16 December 2011

Trial Chamber's Referral Decision. The case is currently at the pre-trial stage.

2. Jean Uwinkindi is charged with two counts of Genocide and Extermination as a Crime against Humanity.
3. This report covers pre-trial activities for the month of April 2013.

**Scheduled Ruling: 16 April 2013.**

4. As reported in the March 2013 monitoring report, the High Court of Rwanda, composed of Honourable Justice Alice Ngendakuliyo (Presiding Judge), Honourable Justice Angeline Rutazana, Judge and Honourable Justice Cassien Nzaboninama, Judge, announced that it would deliver its ruling on the defence application for the appointment of independent investigators on Tuesday, 16 April 2013.
5. When the proceedings commenced on the said date, the Presiding Judge informed the parties that the Court was in receipt of an additional filing made by the Defence in respect of its application the previous day, 15 April 2013. It announced further that the Defence for Uwinkindi had filed the following additional documents:
  - A copy of an agreement entered into between the Kigali Bar Association (KBA) and Jean Uwinkindi;
  - A copy of an agreement entered into between the KBA and the Rwandan Ministry of Justice in relation to representation of minors for fees;
  - A copy of the reports of meetings held between the Rwandan Ministry of Justice, the National Public Prosecutions Authority and the KBA concerning remuneration for Uwinkindi's Lawyers;
  - A copy of a correspondence dated 9<sup>th</sup> July 2012 authored by Mr. Gatera Gashabana, Lead Counsel for Jean Uwinkindi, requesting for the appointment of independent investigators for the defence of Jean Uwinkindi;
  - A copy of an invoice submitted by Mr. Gatera Gashabana for payment in respect of work he had done;
  - A copy of a document from the International Criminal Tribunal for Rwanda (ICTR) indicating remuneration paid to Defence Counsel representing Accused persons before the Tribunal.

The Court noted that the documents represent new elements that could advance the course of justice and for that matter warranted a postponement of its decision on the matter. It consequently adjourned the proceedings and ordered the hearing of oral submissions by the parties on the new elements on 25 April 2013 before it proceeded to give its ruling.

#### **Scheduled Oral Hearing: 25 April 2013**

6. On 25 April 2013, the proceedings resumed as scheduled. The Court informed the parties that the Presiding Judge was unavailable to participate in the proceedings due to circumstances beyond her control. The proceedings were therefore adjourned until Thursday 1 May 2013 for the oral hearing.

#### **Meeting with the Accused at the Detention Facility.**

7. The monitor visited the Accused at the detention facility. Prior to meeting the Accused, this monitor had a meeting with the Prison Director, Mr. Gahima. He informed the monitor that Jean Uwinkindi was in good shape and continues to conduct himself in a very disciplined manner. He said he has not received any complaint from the Accused and that he continues to have family visits and regular visits from his Lawyers.
8. In my subsequent meeting with the Accused, he did not complain about his conditions of detention. The main issue he raised was his desire that the Court would grant his application for the appointment of independent investigators for him.

#### **Conclusion**

A monitoring visit is scheduled for the hearing of oral submissions scheduled for 2 May 2013.

9. Respectfully submitted



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