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**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Case No: MICT-12-25

Date: 26 November 2015

Original: English

**Before: Judge Theodor Meron, President**

**Registrar: Mr. John Hocking**

**PROSECUTOR**

**v.**

**JEAN UWINKINDI**

**PUBLIC**

**MONITORING REPORT FOR OCTOBER 2015**

**Monitors:**

Nzamba Kitonga (S.C.)  
Ms. Stella Ndirangu  
Ms. Elsy Sainna

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## I. INTRODUCTION

1. Pursuant to the Terms of Reference for the Monitors, particularly part "C" of Annex II to the MOU between the Mechanism for International Criminal Tribunals ("MICT" or "Mechanism") and the Kenya Section of the International Commission of Jurists ("ICJ Kenya"), we respectfully submit this Report to the President of the MICT through the Registrar.
2. This Monitoring report pertains to the activities of interactions of Mr. Nzamba Kitonga, Ms. Stella Ndirangu and Ms. Elsy Sainna Monitor's appointed by the Mechanism ("Monitor"), with various stakeholders during the month of October ("the Reporting Period").
3. During the Reporting Period, the Monitor's undertook three missions to Rwanda on 14 October 2015 to 16 October 2015, on 19 October 2015 to 23 October 2015 and on 26 October 2015 to 29 October 2015, to monitor the Jean Uwinkindi case.
4. Five Court sessions was held in the High Court during the Reporting Period, these were on 15 October 2015, 20 October 2015, 22 October 2015, 27 October 2015 and 28 October 2015. The Monitor's followed the hearing with the assistance of an interpreter.
5. During the five court sessions, the Court recalled and heard the testimonies of all the Prosecution and Defence witnesses. In total twelve Prosecution witnesses were heard, with one written testimony being admitted without the witness's testifying in Court. Nine Defence witnesses also testified.
6. During the Reporting period the Monitor's also met with Mr. James Mugisha the Prison Director. The Monitor's held two meetings with Mr. Uwinkindi at the Kigali Central Prison with the assistance of an interpreter.
7. A detailed report on all activities during the Reporting Period is provided below.

## II. DETAILED REPORT

### A. Monitoring Mission from 14 October 2015 to 16 October 2015

#### High Court hearing of 15 October 2015

1. The hearing was held before the full chamber, consisting of Judge Alice Ngendakuriyo, Judge Kanyegeni Thitmotia and Judge Fidel Njanzimana. The Accused, Mr. Uwinkindi was present in Court and the Prosecution was represented by Mr. Jean Bosco Mutangana and Mr. Bonaventure. Defence Counsel Joseph Ngabonziza was also in Court.
2. The Court had previously ordered that it would hear eight prosecution witnesses who were to be recalled.

3. The Court stated that four of the witnesses were now present in Court to give evidence.
4. The Accused Mr. Uwinkindi objected to the presence of Counsel Mr. Ngabonziza. He once again repeated that he did not recognize him as his Counsel and that as far as he was concerned he had no representation during the hearing.
5. The Court overruled him stating that it had ruled on the objection in the past. Consequently Counsel would be allowed to cross-examine the re-called witnesses.
6. The Court ordered that the courtroom be cleared to enable the witness to take the witness stand and to be identified. This was done to protect the identity of the witness. Everybody except the Judges, the Accused and the Prosecution and Defence Counsel vacated the courtroom.
7. When the hearing resumed the witness only identified as **B21** was in the witness box. He could not be seen and his identity was concealed.
8. The Prosecutor gave a summary of the evidence of the re-called witness. The witness was then invited to testify as to what he saw or heard in relation to Mr. Uwinkindi's role in the genocide. The Prosecutor examined the witness in-chief.
9. Upon cross-examination by the Defence Counsel the witness stated that he himself was not charged with any offence.
10. The next witness was described as **CDF**. Procedures similar to those stated earlier were used to protect the identity of the witness, after which he testified and was cross examined by Defence Counsel.
11. The third witness was called. Similar procedures held were followed to protect his identity. He was identified as **B25**. The prosecution introduced the summary of the evidence to be adduced, the witness gave his testimony and was examined by the Prosecution and cross examined by Defence Counsel.
12. After this witness had completed his testimony the Accused once again objected to any cross-examination by the Defence Counsel, indicating this was not the Counsel of his choice. He had not given the Counsel any instructions or information which would enable him to effectively cross-examine the witness.
13. The Defence Counsel once again reiterated that he had been instructed by the Bar Association in accordance with existing agreements. The Court overruled the accused and explained that it had previously ruled on the objection.

14. The next witness to be called was identified as **B2H**. The same procedure was observed to protect his identity and to adduce his evidence through his testimony.
15. In total four prosecution witnesses testified, Mr. Uwinkindi did not cross examine any of the witnesses.
16. The proceedings had continued non-stop without a lunch-break ending at 4.45pm.
17. The court ordered that the proceedings would resume at on 20 October 2015 at 9am.

**B. Monitoring Mission from 19 October 2015 to 23 October 2015**

*High Court Hearing on 20 October 2015*

18. The Court session commenced at 10.30 am, the Bench was composed of Judge Alice Ngendakuriyo, Judge Kanyegeni Thitmota and Judge Fidel Njanzimana. The Accused person was present in Court and the Prosecution was represented by Mr. Jean Bosco Mutangana and Bonaventure Ruberwa. The Accused was in Court and Counsel Joseph Ngabonziza representing the Accused was present.
19. The Court explained that the session had a delay in commencing, because some of the witnesses had arrived late having travelled from far.
20. Mr. Uwinkindi was allowed to address the Court. He submitted that he had several issues that the Court needed to address. First he informed the Court that he was unwell, he had taken medication, and therefore he needed to rest. Second, he had drafted a document on 11 October 2015, informing the Court that there were outstanding concerns in his trial that needed to be settled before witnesses could be heard. On 13 October 2015, he was instructed by the prison authorities to write another letter, as first one had not been delivered. Mr. Uwinkindi indicated he was concerned and did not know whether the letters had been received by the Court. He asked the Court to address the issue because it was not the first time his letters were not delivered by the Prison office.
21. Further Mr. Uwinkindi indicated if the Court had not received the letter he was happy to orally submit on the contents of the letter.
22. The Court asked Mr. Uwinkindi to orally inform it the issues raised in the letters because the letters had not been received.
23. Mr. Uwinkindi indicated that he was requesting the Court to stay the proceedings until his concerns about his defence were settled. He also noted that the Prosecution had enough time to identify prosecution witnesses. He needed time to get good witnesses who could challenge the prosecution witnesses. He also indicated that in the letter he had addressed

the issue of Defence Counsel raised in all hearings since new Counsel were appointed. Noting that two lawyers, Mr. Ngabonziza and Hishamunda had been appointed, yet Mr. Hishamunda had stopped attending Court. Mr. Uwinkindi submitted this was just part of the greater concerns he had on the quality of his defence.

24. At the invitation of the Court, Counsel Ngabonziza asserted that the Court had already ruled on Mr. Uwinkindi's representation and he was in Court to assist the Accused.
25. The Court asked Mr. Ngabonziza to address it on the issue of Counsel Hishamunda's absence from the proceedings, as well as how the concerns on the defence witnesses could be addressed.
26. Mr. Ngabonziza informed the Court that he had observed Mr. Uwinkindi seating next to him before the commencement of the hearing and it was true he was unwell, therefore the Court should consider his request for an adjournment to allow him rest. On the availability of defence witnesses, Mr. Ngabonziza submitted that the challenges in the case were as a result of lack of cooperation by the Accused with Counsel assigned to assist him.
27. On the issue of Counsel Hishamunda's absence, Mr. Ngabonziza submitted that the update given during the last hearing still applied and Mr. Hishamunda was not available to represent the Accused. Mr. Ngabonziza indicated he was puzzled by the Accused's concerns over Counsel he had refused to assist him.
28. At the invitation of the Court, the Prosecution indicated it would not comment on the issue of the Accused's health, but indicated a medical slip should be provide to prove he was unwell. Regarding the availability of defence witnesses, the Prosecution submitted that Mr. Uwinkindi had the right to identify defence witnesses, but failed to understand how Mr. Uwinkindi was going to identify witnesses if he did not collaborate with defence counsel assigned. The Prosecution requested that more information be given, as a stay of proceedings could not be granted on unclear terms.
29. The Court requested Mr. Uwinkindi to respond to the issues raised by Defence Counsel and Prosecution, on how will planned to meet organise his witnesses, considering only Defence Counsel could meet the defence witnesses to prepare defence as he was in detention.
30. Mr. Uwinkindi submitted that the issues raised were simple problem that could be addressed in two ways. First, by recalling his previous Counsel to continue representing him in the case. Alternatively the Court could assign other lawyers that he could choose from the complete list of available lawyers to assist Accused persons.
31. Mr. Uwinkindi further observed that an Accused has the right to choose Counsel he believes will ably defend him. He noted that that he did not agree with the way current Counsel wants to conduct his trial.

32. At the invitation of the Court the Prosecution submitted that Mr. Uwinkindi had waived the chance to have Defence Counsel of his choice in the case. Mr. Uwinkindi was given a list of available Counsel and he refused to use it to select counsel of his choice. The Prosecution asserted that if Mr. Uwinkindi had means to pay Counsel he should inform the Court, but if he is indigent then he should accept lawyers assigned to him in the interest of justice.
33. The prosecution submitted further that the Ministry has a limited amount of resources for the defence of indigent persons; there was a list of sixty eight Counsel willing to work within this budget. Mr. Uwinkindi had rejected this list of Counsel when it was made available to him. In the circumstances Mr. Uwinkindi should respect Counsel appointed and he had no right to insult them in Court.
34. Turning back to the concerns raised about Mr. Hishamunda's absence, the Prosecution indicated it needed an explanation as to how the co-counsel left the case. If Counsel was no longer representing the Accused, then the Court should rule that he was no longer on the case and order for another defence lawyer to be assigned. The Prosecution asserted that Mr. Uwinkindi needed to be assisted by two Defence Counsel as the President of the Bar Association had already decided the defence would be made up of two lawyers.
35. The Court ruled on the issues raised. First on the issue of the Accused health it observed that it had not been presented with any medical slip and it had witnesses that Mr. Uwinkindi was able to express himself, noting that only a medical record could prove he was unwell. Further, the Court noted that he had indicated that he did not intend to question the witnesses who would be heard during the hearing, although he had a right to change his position. The Court did not find reason to stay the proceedings as requested; it believed Mr. Uwinkindi could remain in Court and participate in the proceedings.
36. The Court indicated it would take a break to deliberate on other concerns raised, particularly on the absence of Counsel Isacar Hishamunda.
37. When the Court resumed, it informed that the hearing would continue, noting that the Prosecution could have raised the concerns about Counsel Hishamunda on the day they learnt that he was no longer available to represent the Accused. Mr. Uwinkindi would be represented by Counsel Ngabonziza who was in Court.
38. The Court indicated that it would hear the testimonies of four Prosecution witnesses on that day.
39. The first witness was **CCZ**. The identity of the witness was verified in camera by the Court and the parties. The hearing then proceeded in open Court, the witness took oath after which the Prosecution introduced the evidence that the witness would adduce.

40. Witness led by the Prosecution testified on what he saw and heard in relation to Mr. Uwinkindi's involvement in the genocide. Once the Prosecution was done, Defence Counsel cross examined the witness.
41. The Court then adjourned the hearing to Thursday, 22 October 2015, at 8.30 am, indicating that the other witnesses who had been lined up would testify at the next hearing.

Meeting with Mr. James Mugisha, the Kigali Central Prison Director on 21 October 2015

42. The Monitor met with the Prison director to confirm about Mr. Uwinkindi's submissions in Court that his letters to the Court had failed to be delivered by the prison authorities.
43. The director informed the Monitor that he was not aware of the issue but he would ascertain from the Prisons legal officer, whether this was true. Mr. Mugisha confirmed that documents transmitted through the legal office for service to other parties or filing are usually acted on in good time.

Meeting with Mr. Jean Uwinkindi on 21 October 2015

44. The Monitor met with the Accused person at the Kigali Central Prison, in the presence of the Interpreter.
45. Mr. Uwinkindi began by informing the Monitor that he had appealed the decision taken by the Court on 29 September 2015, directing that his trial would proceed despite the issues he had raised on the defence and defence witnesses.
46. Mr. Uwinkindi further informed that he had filed the appeal on 1 October 2015, with five annexures, but he was concerned that the document did not reach the Supreme Court, since he had not received the stamped receipt copy. He asserted that sometimes Accused persons would submit documents for filing to the Prison office and they would not be transmitted to the Court.
47. Mr. Uwinkindi informed that he had asked Counsel Gashabana to go to the High Court to request for the Court transcripts, he was denied access and asked to pay for the transcripts unless Mr. Uwinkindi personally requested for the transcripts.
48. Mr. Uwinkindi informed the Monitor that he had written two letters to the High Court requesting for the Court transcripts for the hearings of 10 October 2015 and 20 October 2015. The letter was dated 21 October 2015.
49. Mr. Uwinkindi also informed the Monitor that that he had written a letter dated 21 October 2015 to the Supreme Court requesting for the schedule for his appeal hearing, he



was concerned that the High Court was fast tracking the hearing of the witness testimonies, so that his trial would be concluded before the appeal was heard.

50. In reference to his submissions in Court the previous day, about the letter he had written to the Court requesting for a stay of the proceedings until the Defence Counsel and witnesses issue was resolved. Mr. Uwinkindi informed the Monitor that the two letters that the Court confirmed it had not received had been handed back to Mr. Gashabana earlier that day by the Prison authorities when he visited Mr. Uwinkindi to prepare for the proceedings before the Mechanism. Mr. Uwinkindi indicated he had received the documents back on 21 October 2015, at 12:00 pm. He asserted the issue was serious because he was not going to get a fair trial if the Prison and the Court were working against him. In Mr. Uwinkindi's opinion the prison could not block documents addressed to the Court from being delivered without consent from the Court.
51. Mr. Uwinkindi expressed that he felt as if the institutions surrounding him, the High Court, the Supreme Court, the Prosecution and the Prison were working against him.
52. Mr. Uwinkindi indicated he did not want to work with Counsel Ngabonziza, asserting that an accused had the right to refuse the assistance of a lawyer. He had refused to work with the Defence Counsel and they were now sabotaging his case.
53. Turning to the issue of defence witnesses, Mr. Uwinkindi asserted that his former defence Counsel had identified twelve witnesses to testify in his defence, but Counsel were fired before finalizing the statements and discussions with the witnesses.
54. Further Mr. Uwinkindi informed the Monitor that the Defence had a longer list of witnesses but Prosecutor Ruberwa had asked the Court to only take into account those who could be found in Rwanda, yet according to Mr. Uwinkindi, those based outside Rwanda were better insulated from threats by the government.
55. According to Mr. Uwinkindi, Ruberwa had gone to Ririma Prison and met some of the defence witnesses; he was not aware what discussions the Prosecution had with the witnesses. After this visit, the Prosecution convinced the Court to hear these witnesses from the prison and the Court accepted the proposal by the Prosecution.
56. When his former Counsel tried to secure other witnesses to testify their mandate to represent Mr. Uwinkindi was withdrawn, leaving his defence in limbo, this turn of events frustrated his trial.
57. Mr. Uwinkindi asserted he had tried to fight this scheme to frustrate his trial without success, because the Court had decided to fire his Counsel, call witnesses to testify and appoint new inexperienced Counsel for him. As a result he had decided to ask the Mechanism to intervene, but when the Court realised the Mechanism was not acting fast, it had fast tracked the hearing of witness testimony and allowed the new Defence Counsel

to cross examine the witnesses but he was not doing much other than helping the Prosecution to sabotage his case.

58. Mr. Uwinkindi asserted that the Court should refrain from calling Defence witnesses before he was assigned Defence Counsel acceptable to him.
59. Mr. Uwinkindi asserted that his right to be defended had been infringed and he was calling for help from the Mechanism. He indicated he was feeling overwhelmed by the maneuvers of the Rwanda government.
60. Mr. Uwinkindi asserted that if the Court did not want him to be represented by his former Counsel, they should avail an inclusive list of all the advocates available to represent accused persons and not just a list of sixty eight Counsel. If this was not possible then the Mechanism should revoke the transfer because he needs to have a defence that responded to each crime that he was accused of. Mr. Uwinkindi added that he wanted Counsel that could visit the areas where he was accused to have committed the crimes and undertake their own investigations.
61. To further explain his assertion about independent investigations, Mr. Uwinkindi informed the Monitor that one of the witnesses who had testified the previous day had informed the Court that two of his children had died in Mr. Uwinkindi's premises, yet according to Mr. Uwinkindi none of his children was killed. Mr. Uwinkindi emphasized that only Counsel who visited the areas in question can ascertain the false aspects of the testimonies. He emphasized that his former Defence Counsel were able to flag out these inconsistencies and contradictions that was why they were fired.
62. Turning to the hearing on 20 October 2015 and 22 October 2015, where the Court had indicated that he had elected not to cross-examine Prosecution witnesses, Mr. Uwinkindi reiterated that this was not accurate; the Court had refused to allow him to speak before the hearing proceeded.
63. Mr. Uwinkindi asserted that the Court was using tricks to ensure his signature was in the Court transcripts after which Counsel Ngabonziza would append his signature next to Mr. Uwinkindi's. The Court knows that he would oppose such a reflection.

#### High Court Hearing on 22 October 2015

64. The hearing proceeded before the full Bench comprising of Judge Alice Ngendakuriyo, Judge Kanyegeni Thitmoti and Judge Fidel Njanzimana. The Accused person was present in Court and the Prosecution was represented by Mr. Jean Bosco Mutangana and Bonaventure Ruberwa. The Accused was in Court and Counsel Joseph Ngabonziza representing the Accused was present.

65. Mr. Uwinkindi tried to get the Court to allow him to address it but he was informed that he had to wait until witnesses had testified.
66. Four witnesses testified during the hearing they were **CCW, CND, CDD** and **Kayiranga Isai** an unprotected witness.
67. Before each witness testified, the Court requested all observers to leave the courtroom for the witness identity verification process by the Parties.
68. The witnesses took oath and after the Prosecution had introduced the evidence to be adduced, the witnesses were asked to testify on what they knew about Uwinkindi between April and July 1994. After their testimonies the Prosecution examined the witnesses further, after which Defence Counsel cross examined the witnesses. Mr. Uwinkindi did not ask the witnesses any questions.
69. After hearing from the four witnesses the Court adjourned the hearing indicating it would resume hearing on Tuesday, 27 October 2015, and five Prosecution witnesses would be heard.
70. Mr. Uwinkindi was allowed to address the Court, in response to his request at the beginning of the hearing.
71. Mr. Uwinkindi submitted that he did not have a defence team, yet he had noticed that the Court clerk had indicated in the previous hearing's transcript that he was assisted by a defence; he asserted that that error should be corrected. The clerk had also erroneously indicated that Mr. Uwinkindi had allowed Counsel to sit next to him, he also requested that this error be corrected.
72. Further, Mr. Uwinkindi noted that he had never indicated that he did not want to cross examine witnesses but had specified that he could only do so if duly assisted by Counsel
73. Mr. Uwinkindi also submitted that he had provided the Court with a list of seventy five defence witnesses and not eleven as indicated by the Court. He expressed concern that there was a deliberate effort to distort the existing possibilities of him securing witnesses to defend him. Mr. Uwinkindi submitted that the Prosecution was doing all it could to prevent a fair trial, its position being just because he was an indigent he had no right to a fair trial. He added that he was being referred to as indigent yet he had owned properties before 1994 and this had been confirmed by the witnesses.
74. The Court invited the Prosecution and Defence Counsel to respond to the issues raised by Mr. Uwinkindi, they indicated they had no comment.
75. The Court then indicated that the Clerk had heard the concerns raised and he would correct the errors identified.

76. In response the Court informed that since the beginning of the trial in Arusha and in Rwanda, it was understood that Mr. Uwinkindi had was not in a position to pay his Counsel, even if he had indicated he had land and properties, he had not demonstrated that the was capable of paying for his Defence, hence he was considered an indigent Accused.
77. On the issue of the list of defence witnesses, the Court noted that it was true that Mr. Uwinkindi had in the past provided a list of seventy five potential defence witnesses, the Court had then asked his defence then to meet the witnesses and provide summary of the potential evidence the witnesses would provide so that the Court could decide which witnesses were going to be relevant for the Defence. Unfortunately, the defence team left the case before submitting those summaries.
78. The hearing was then adjourned.

### **C. Monitoring Mission from 26 October 2015 to 29 October 2015**

#### *High Court Hearing on 27 October 2015*

79. The hearing commenced at 9.30am before full bench composed of Presiding Judge Alice Ngendakuriyo, Judge Kanyegeni Thitmota and Judge Fidel Njanzimana. The Accused and Defense Counsel Mr. Joseph Ngabonziza were present in Court and the Prosecution was represented by Mr. Bonaventure Ruberwa.
80. Before the Prosecution witnesses could testify, the Accused addressed the Court, indicating that he wanted the record of the proceedings to reflect that he was not only unrepresented but also that he still did not recognize Mr. Ngabonziza as his Defence Counsel.
81. The Accused also stated that he would not cross examine the prosecution witnesses since he was not assisted by Counsel.
82. At each specific instance, the Court asked that the courtroom be cleared for the identification of the witness identities. Thereafter each witness was invited by the Court to testify once the oath had been administered. Prosecution witnesses **CDG, CDH, CDI** testified and were examined by the Prosecution; all witnesses were cross examined by Defence Counsel. Mr. Uwinkindi however remained silent during the proceedings and did not ask the witnesses any question.
83. With respect to Prosecution witness **CCX**, the Court indicated that the witness was indisposed, he would therefore not appear in Court. His written statements would be read in Court and admitted, Defence would be given an opportunity to respond by way of written submissions.

84. At this juncture, the Defence Counsel sought clarification as to the availability of the witness statement. Mr. Ngabonziza submitted that he had checked but had been unable to locate it.
85. The Prosecution clarified that all statements were contained in the bundle of documents.
86. After the hearing of the prosecution witnesses, the Court indicated the hearing would resume the following day at 8.30 am where defence witnesses would be heard *de novo* in the presence of Mr. Ngabonziza.
87. The Accused refused to sign the Court transcripts maintaining his earlier position that he did not recognize Defense Counsel, Joseph Ngabonziza. However, the prosecution witnesses and Defense Counsel all signed the court transcripts.

High Court Hearing of 28 October 2015

88. The Court resumed session at 9.30 am to hear defence witnesses. The hearing was before the full bench consisting of Presiding Judge Alice Ngendakuriyo, Judge Kanyegeni Thitmota and Judge Fidel Njanzimana. The Accused was present in Court and the Prosecution was represented by Bonaventure Ruberwa whereas the Defence was represented by Mr. Joseph Ngabonziza.
89. The Court indicated that it was prepared to hear all eleven defense witnesses although, it would proceed to hear only nine that day as the two defense witnesses had since gone missing and therefore could not testify.
90. Before the Court could proceed to call on the witnesses, the Accused asked to address the Court and stated that since he had not cross examined the Prosecution witnesses at previous hearings, he would not do the same for the defence witnesses. His reasons remained the same; he was not assisted by Counsel.
91. Additionally, the Accused asked the Court if he could be granted permission to meet with the defence witnesses but the Court indicated that it did not have jurisdiction to decide on that request but referred the Accused to consult with a relevant authority.
92. At the invitation of the Court, the Defence Counsel addressed the Court by stating that he had not had the opportunity to consult with defence witnesses and therefore required additional time. He requested for three weeks to file brief immediately after the hearing of the defence witness. Furthermore, Defence Counsel indicated that his co-counsel was not present in Court and would like to consult with him before any briefs were filed in Court.
93. In response, the Court indicated that while it fully understood and appreciated the situation of Defence Counsel, it would nevertheless have opportunity to present these arguments in a final brief. For now, the Court was reluctant to extend time because the case had experienced too many delays.

94. The Defence Counsel counter argued that even though they were appreciative of the fact that the case had taken longer than anticipated and having been recently assigned to the matter, they required additional time to prepare their substantive briefs.
95. The Court considered that it would look into the matter and reemphasized the need to conclude the trial process which had been protracted.
96. The presiding Judge invited the defence witness to testify upon administration of the oath and advised that the Accused would not cross examine the witnesses.
97. Nine defence witnesses identified as **ICH, UCA, UCD, UCC, UCB, ICE, ICF, ICG** and **ICJ** testified after their identities were ascertained and the oath administered. The examination was led by Counsel Ngabonziza and the Prosecution cross examined them. Mr. Uwinkindi did not ask any of the witness's questions.
98. After the hearing of the Defence witness testimony, Defence Counsel revisited his earlier request for more time to prepare and upon further consideration; the Court ruled that the hearing of final arguments will be held on **12 November 2015**.
99. The Accused refused to sign the court transcripts maintaining he was unrepresented and that he did not recognize Counsel Joseph Ngabonziza as his Defence Counsel.

Meeting with Mr. Uwinkindi on 29 October 2015

100. The monitor met with Mr. Uwinkindi at the Kigali Central prison in the presence of the interpreter.
101. Reflecting on the ongoing High Court proceedings, Mr. Uwinkindi raised several concerns with respect to the ongoing trial process. Firstly, he remains concerned that he is still unable to contact Defence Counsel Mr. Gashabana in particular; he wished to discuss the decision rendered regarding his revocation request. At the time of the last monitoring visit, he was not in receipt of the decision and wished to bring the issue to the attention of the President of the Mechanism.
102. Mr. Uwinkindi further indicated that he was very concerned at the pace with which his case was moving. More importantly, he wondered why the Court would summon defence witness without giving him an opportunity to meet the defence witnesses and make his own choices ahead of the trial.
103. Mr. Uwinkindi indicated that he had submitted a list of 75 names of defence witnesses yet only nine were invited to testify.
104. With respect to the evidence adduced in Court by the prosecution witnesses, Mr. Uwinkindi pointed out several discrepancies which he contended would only be better articulated with the assistance of a Defence Counsel and thus remained concerned that the court has taken over his trial process.

105. Mr. Uwinkindi indicated that despite filing an Appeal at the Supreme Court concerning the decision taken on 29 September 2015, the Court completely ignored the Accused's request regarding right to choose Counsel and discontinuation of the trial process until the appeal was heard and determined.
106. Mr. Uwinkindi remained categorical that any discussions that he held with Counsel Joseph Ngabonziza at the hearing did not amount to either recognition or acceptance of representation on his part and that the Court should not construe such interaction as such. He emphasized that by engaging Counsel Joseph Ngabonziza in small discussions, he was simply being polite and culturally, he was being courteous since he could not ignore someone who had sat next to him in Court. He maintained his position that he was unrepresented during the entire trial process.
107. With respect to the detention facilities, Mr. Uwinkindi suggested that future monitoring visits should incorporate impromptu visits to the special enclosures.

### III. CONCLUSION

108. The Monitor's remain available to provide any additional information, at the President's direction.


Dated this 26<sup>th</sup> day of November 2015

Respectfully submitted,

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