



Mechanism for International Criminal Tribunals

Case No: **MICT-12-20**

Date: Oct. 2nd, 2014

Original: English

Before: Judge Theodor Meron,
MICT President

Registrar: Mr John Hocking

Monitor: Zbigniew Lasocik, prof.

PROSECUTOR

v.

BERNARD MUNYAGISHARI

**MONITORING REPORT
SEPTEMBER 2014**

PUBLIC

Received by the Registry
Mechanism for International Criminal Tribunals
13/10/2014 16:29

A handwritten signature in black ink, appearing to read "McCall Carter".

INTRODUCTION

1. Pursuant to the Terms of Reference for the Monitors, particularly part “C” of the Annex II to the MOU between MICT and ISLP (Europe), I respectfully submit this Report to the President of the MICT through the Registrar.
2. This Monitoring Report pertains to the activities in the *Munyagishari* case before the Judiciary in the Republic of Rwanda and the interactions of the Monitor of the Mechanism for International Criminal Tribunals (MICT) with various stakeholders during the month of September 2014.

FIRST VISIT TO PRISON ON SEPTEMBER 16TH (with support of the interpreter)

3. On September 16th I visited Central Prison in Kigali to check prison conditions and to discuss with the Accused the future of the document which was handed over to me in July. I was informed that Mr. Murenzi was longer director of the prison due to his enrolment to international educational program. I briefly met with new director and with Mr. Munyagishari.
4. In July Mr. Munyagishari and Mr. Uwinkindi complained that there was no water in two taps located closely to the cells. I checked that and noticed that there was still no water there. Second issue raised by the Accused in July was uncomfortable tables in the dining room. I noted there were the same tables. Additionally I was demonstrated that there was no light in the toilet. Finally, prisoners informed me that the roof, nearby the entrance, was not proof enough and during the rain water was leaking into the building.
5. In Monitoring Report for August 2014 I informed that the document which Mr. Munyagishari handed over to me last time had already been translated. In this document Mr. Munyagishari summarized certain issues for me as newly appointed Monitor but in part this document contained information for the President of the Mechanism. For that reason it will be transferred to MICT according to the rules.

MEETING WITH MR. MUTANGANA, LEADING PROSECUTOR, SEPT. 17TH

6. Mr. Mutangana stated that there was nothing new in Munyagishari case. Mr. Munyagishari is supposed to present his reply to the Indictment very soon. Mr. Mutangana has confirmed that the first hearing is scheduled for November 5th 2014.
7. According to Mr. Mutangana it is quite probable that this case will be tried by the same Bench as the *Uwinkindi* case. This assumption is based on the fact that the previous Bench handled both cases (*Munyagishari* and *Uwinkindi*).

MEETING WITH PRESIDENT OF THE HIGH COURT, SEPTEMBER 17TH

8. On September 17th I met briefly Judge Charles Kaliwabo Munyantore the President of the High Court. I used this opportunity to introduce myself and to present to the President Orders of the Registrar Appointing myself as ICTR/MICT Monitor in *Uwinkindi* and *Munyagishari* cases as well as Note Verbal.

SECOND VISIT TO PRISON, SEPT. 18TH

MEETING WITH NEW PRISON DIRECTOR

9. I met with Mr. Mugisha new Prison Director. It appeared that he was appointed that particular day. I introduced myself and briefly informed the Director about mandate of the ICTR/MICT Monitors and their obligations.
10. New Prison Director kindly accompanied me to the Special Unit where Mr. Munyagishari is imprisoned.
11. REDACTED

MEETING WITH MR. MUNYAGISHARI, (with support of the interpreter)

12. Our talk during this meeting was focused on the issue of defense of Mr. Munyagishari. He expressed his opinion that there was not enough good will of the Government to solve this problem. To prove that Mr. Munyagishari has shown a draft of the contract (in Kinyarwanda) with his defense lawyers. According to Mr. Munyagishari this contract did not guaranty basic needs of the defense. Especially in terms of money which had been allocated for that purpose and as far as immunity of lawyers is concern.
13. According to Mr. Munyagishari this contract was not in accordance with Organic Law 09/2013/OL of 16/06/2013 Concerning the Transfer of Cases to the Republic of Rwanda from ICTR.¹
14. REDACTED
15. REDACTED
16. REDACTED
17. Mr. Munyagishari complained that there was no reply to his letter to the President of the Mechanism concerning protection and access to data on the computer in prison.

¹ Official Gazette n° Special Bis of 16/06/2013

REVIEW OF THE FILE, SEPT. 19TH (with support of the interpreter)

18. There was only one new document in the file, namely a letter of Mr. Munyagishari to Prison Director about access to information stored at the computer and request to change the password to avoid unlawful sharing of such data.

19. REDACTED

CONCLUSIONS

20. REDACTED

21. REDACTED

22. I will continue monitoring of this case at the beginning of November as the first hearing has been scheduled for Nov. 5th.

Respectfully submitted,



Zbigniew Lasocik, prof.
Monitor for the *Munyagishari* case

Dated: October 2nd, 2014
Warsaw, Poland



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE
MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	MICT Registry/ <i>Greffe du MPTI</i>	<input checked="" type="checkbox"/> Arusha/ <i>Arusha</i>	<input type="checkbox"/> The Hague/ <i>La Haye</i>
From/ De :	<input type="checkbox"/> Chambers/ <i>Chambre</i>	<input type="checkbox"/> Defence/ <i>Défense</i>	<input type="checkbox"/> Prosecution/ <i>Bureau du Procureur</i> <input checked="" type="checkbox"/> Other/ <i>Autre</i> : Monitor
Case Name/ Affaire :	Munyagishari	Case Number/ Affaire n° :	MICT-12-20
Date Created/ Daté du :	02/10/2014	Date transmitted/ Transmis le :	13/10/2014
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ <i>Anglais</i>	<input type="checkbox"/> French/ <i>Français</i>	<input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/ <i>Autre</i> (specify/préciser) :
Title of Document/ Titre du document :	Monitoring Report September 2014		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
	<input type="checkbox"/> Confidential/ <i>Confidentiel</i>	<input type="checkbox"/> Ex Parte Prosecution excluded/ <i>Bureau du Procureur exclu</i>	
	<input type="checkbox"/> Strictly Confidential/ <i>Strictement confidentiel</i>	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ <i>Art. 86 H) requérant exclu</i>	
		<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ <i>Amicus curiae exclu</i>	
		<input type="checkbox"/> Ex Parte other exclusion/ <i>autre(s) partie(s) exclue(s)</i> (specify/préciser) :	
Document type/ Type de document :	<input type="checkbox"/> Motion/ <i>Requête</i>	<input type="checkbox"/> Submission from parties/ <i>Écritures déposées par des parties</i>	<input type="checkbox"/> Indictment/ <i>Acte d'accusation</i>
	<input type="checkbox"/> Decision/ <i>Décision</i>	<input checked="" type="checkbox"/> Submission from non-parties/ <i>Écritures déposées par des tiers</i>	<input type="checkbox"/> Warrant/ <i>Mandat</i>
	<input type="checkbox"/> Order/ <i>Ordonnance</i>	<input type="checkbox"/> Book of Authorities/ <i>Recueil de sources</i>	<input type="checkbox"/> Notice of Appeal/ <i>Acte d'appel</i>
	<input type="checkbox"/> Judgement/ <i>Jugement/Arrêt</i>	<input type="checkbox"/> Affidavit/ <i>Déclaration sous serment</i>	

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ <i>La traduction n'est pas requise</i>
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ <i>La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe)</i>
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Rev: April 2014/Rév. : Avril 2014