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Mechanism for International Criminal Tribunals

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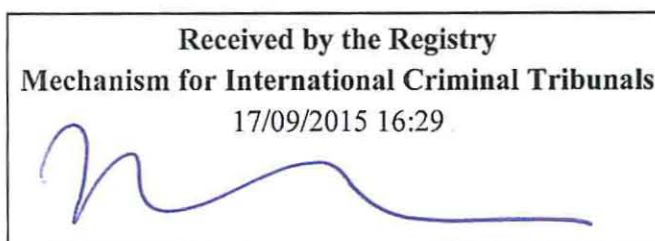
Registrar: Mr John Hocking

Laurent Bucyibaruta, Case No. MICT-13-44

NINTH MONITORING REPORT

Laetitia Husson

Officer in Charge of the Monitoring Mission in the *Bucyibaruta* Case for the
MICT



1. This report is submitted in my capacity as the officer in charge of the monitoring mission for the Mechanism for International Criminal Tribunals ("MICT") in the case of *The Prosecutor v. Laurent Bucyibaruta* referred to the French authorities pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda (hereinafter "Rules" and "ICTR"). It covers the period from mid-April to mid-July 2015.

Introduction and background

2. The ICTR Prosecutor brought an Indictment against Mr Bucyibaruta on charges of genocide, complicity in genocide, direct and public incitement to commit genocide and charges of rape, extermination and murder as crimes against humanity committed in Rwanda in 1994. The Indictment was confirmed by a Judge of the ICTR on 17 June 2005.¹ On 12 June 2007, the ICTR Prosecutor filed a request for referral of the Indictment to the French courts, pursuant to Rule 11 *bis* of the Rules of the ICTR.²

3. On 20 November 2007, the Trial Chamber designated under Rule 11 *bis* of the Rules of the ICTR, determined that the conditions for referral were met and accordingly ordered the case of *The Prosecutor v. Laurent Bucyibaruta* to be referred to the French authorities so that they might immediately assign the case to the appropriate national court.³

4. Mr Bucyibaruta was already under judicial investigation in France following his indictment by a French investigating judge after a complaint with civil party petition was filed in 2000. At the request of the Prosecutor's Office, the case referred by the ICTR was joined to the judicial investigation opened in France in 2000. Consequently, the *Bucyibaruta* case is now the subject of a single criminal investigation in France. Since September 2007, Mr Bucyibaruta has been released under court supervision.

Monitoring Mission

5. I conducted an initial monitoring mission in the *Bucyibaruta* case in June and July 2013, and a second mission in September and October 2013. The six subsequent monitoring missions were conducted in January, April, July and October 2014, in January 2015 and in April and May 2015. The reports on these eight missions were submitted to the President of the MICT through the Registrar on 12 July 2013, 1 November 2013, 24 January 2014, 24 April 2014, 25 July 2014, 21 October 2014, 9 February 2015 and 27 May 2015, respectively, and made public by the latter on the MICT website on 15 July 2013, 7 November 2013, 28 January 2014, 28 April 2014, 5

¹ *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-I, "Confirmation of the Indictment and Other Related Orders", 17 June 2005; *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-1, Indictment dated 20 July 2005 (unsealed on 14 June 2007).

² The Prosecutor amended this request on 27 June 2007. See *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-1, "Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence", confidential, 27 June 2007.

³ *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-I, "Decision on Prosecutor's Request for Referral of Laurent Bucyibaruta's Indictment to France", 20 November 2007.

August 2014, 30 October 2014, 16 March 2015 and 28 May 2015, respectively.⁴

6. As part of this ninth monitoring mission, on 23 July 2015 I spoke by telephone with Mr Nicolas Peron, Deputy Prosecutor at the Unit for Crimes against Humanity and War Crimes of the Paris *Tribunal de Grande Instance*. Mr Peron stated that on 15 April 2015 Mr Bucyibaruta was examined by the investigating judge on his background. He also specified that in late March 2015, counsel for Mr Bucyibaruta filed a motion seeking to take statements from 26 witnesses located in nine countries, which the investigating judge partially granted in April 2015. He informed me that international letters rogatory had been recently issued to this effect and that new exhibits had been admitted into evidence at the initiative of the investigating judge and the Defence in April, May and June 2015. Mr Peron stated that the investigation was scheduled to close toward the end of 2015 or, more likely, in light of the new hearings, in early 2016.

7. Attorney Philippe Greciano, the legal representative of Mr Bucyibaruta, indicated in an email of 28 July 2015 that he had no remarks.

8. The representatives of the civil parties are invited to share their remarks on the progress of the case and compliance with the referral conditions of Mr Bucyibaruta's case during the next monitoring mission.

Done on 18 August 2015
The Hague (Netherlands)

/signed/

Laetitia Husson

Officer in Charge of the Monitoring Mission in the
Bucyibaruta Case

⁴ *Laurent Bucyibaruta*, Case No. MICT-13-44, Initial Monitoring Report in the *Bucyibaruta* Case dated 12 July 2013, filed on 15 July 2013; *Laurent Bucyibaruta*, Case No. MICT- 13-44, Second Monitoring Report dated 1 November 2013, filed on 7 November 2013; *Laurent Bucyibaruta*, Case No. MICT-13-44, Third Monitoring Report, dated 24 January 2014, filed on 28 January 2014; Fourth Monitoring Report, dated 24 April 2014, filed on 28 April 2014; *Laurent Bucyibaruta*, Case No. MICT-13-44, Fifth Monitoring Report, dated 25 July 2014, filed on 8 August 2014; *Laurent Bucyibaruta*, Case No. MICT-13-44, Sixth Monitoring Report, dated 21 October 2014, filed on 30 October 2014; *Laurent Bucyibaruta*, Case No. MICT-13-44, Seventh Monitoring Report, dated 9 February 2015, filed on 16 March 2015; *Laurent Bucyibaruta*, Case No. MICT-13-44, Eighth Monitoring Report, dated 27 May 2015, filed on 28 May 2015.