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Mechanism for International Criminal Tribunals

Date: 9 February 2015

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Original: French

Before: Mr Theodor Meron, President

Registrar: Mr John Hocking

*Wenceslas Munyeshyaka*, Case No. MICT-13-45

SEVENTH MONITORING REPORT

**Laetitia Husson:**

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

Received by the Registry  
Mechanism for International Criminal Tribunals

20/04/2015 10:07

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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. Wenceslas Munyeshyaka* 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 October 2014 to mid-January 2015.

### **Introduction and Background**

2. The ICTR Prosecutor brought an Indictment against Mr Munyeshyaka on charges of genocide and rape, extermination and murder as crimes against humanity committed in Rwanda in 1994. The Indictment was confirmed by a judge of the ICTR on 22 July 2005.<sup>1</sup> On 12 June 2007, the ICTR Prosecutor filed a request for referral of the indictment before the French courts, pursuant to Rule 11 *bis* of the Rules of the ICTR.<sup>2</sup>

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

4. Mr Munyeshyaka 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 1995. At the request of the Prosecutor’s Office, the case referred

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<sup>1</sup> *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, “Decision on Confirmation of an Indictment Against Wenceslas Munyeshyaka”, 22 July 2005 (unsealed on 20 June 2007); *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, Indictment, 20 July 2005 (unsealed on 20 June 2007).

<sup>2</sup> The Prosecutor amended this request on 19 and 27 June 2007. See *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I “Prosecutor’s Request for the Referral of Wenceslas Munyeshyaka’s Indictment to France Pursuant to Rule 11 *bis* of the Tribunal’s Rules of Procedure and Evidence of 12 June 2007”, confidential, 27 June 2007.

<sup>3</sup> *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, “Decision on the Prosecutor’s Request for Referral of Wenceslas Munyeshyaka’s Indictment to France”, 20 November 2007.

by the ICTR was joined to the judicial investigation opened in France in 1995. Consequently, the *Munyeshyaka* case is now the subject of a single criminal investigation in France. Since September 2007, Mr Munyeshyaka has been released under court supervision.

### **Monitoring Mission**

5. I conducted an initial monitoring mission in the *Munyeshyaka* case in June and July 2013, and a second mission in September and October 2013. The four subsequent monitoring missions were conducted in January, April, July and October 2014. The reports on these six 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 and 21 October 2014 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 August 2014 and 30 October 2014, respectively.<sup>4</sup>

6. Attorney Jean-Yves Dupeux, Mr Munyeshyaka's legal representative, stated in a letter that he did not have any particular remarks aside from continuing to seek the right to disclose the investigation file to his client, a right that he is still being denied.

7. On 26 January 2015, I had a conference call with Ms Aurélia Devos, Deputy Prosecutor and Chief of Section AC5, Unit for Crimes Against Humanity and War Crimes of the Paris Tribunal de Grande Instance (hereinafter "Unit") and with Mr Nicolas Peron, Deputy Prosecutor at the Unit. Ms Devos informed me that the judicial investigation could not be closed by the end of 2014 as planned, notably due to the requests by the Defence for additional investigations.

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<sup>4</sup> *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Initial Monitoring Report on the *Munyeshyaka* Case, dated 12 July 2013, filed on 15 July 2013; *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Second Monitoring Report, dated 5 November 2013, filed on 7 November 2013; *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Third Monitoring Report, dated 24 January 2014, filed on 28 January 2014, *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Fourth Monitoring Report, dated 24 April 2014, filed on 28 April 2014, *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Fifth Monitoring Report, dated 25 July 2014, filed on 5 August 2014; *Wenceslas Munyeshyaka*, Case No. MICT-13-45, Sixth Monitoring Report, dated 21 October 2014, filed on 30 October 2014.

8. Ms Devos and Mr Peron explained that the recent months were particularly busy for the investigators and investigating judges working on this case, with several trips to Rwanda in November 2014, the hearing of new witnesses based on the facts collected, two video-conferences organised in November 2014, an expert report and an analysis of the international letters rogatory from Belgium and the ICTR. They also specified that Mr Munyeshyaka was interviewed once again in early January 2015 and that at the time of our conversation, investigations were still underway in Rwanda. They also notified me that evidence tendered into the record by the Defence for Mr Munyeshyaka was currently being translated from Kinyarwanda into French.

9. Ms Devos stressed the respect of procedural fairness during this investigation and the work of the investigating judges in order to explore all of the available avenues in light of the facts gathered to this day, and those highlighted or submitted more recently by the Defence.

10. With respect to new forecasts for closing the judicial investigation, Ms Devos explained that it would be difficult, due to the sensitivity of the matter, to give a precise prediction considering that the results of the investigations completed in January 2015 are still pending and that the translation of new evidence is ongoing.

11. In light of the information collected, the representatives of the civil parties were not invited to share their remarks on the progress of the case and the compliance with the conditions of the referral of Mr Munyeshyaka's case during this seventh monitoring mission. They will be invited during the next monitoring mission.

Done on 9 February 2015

The Hague (Netherlands)

/signed/

**Laetitia Husson**

Officer in Charge of the Monitoring Mission in the *Munyeshyaka* Case



**TRANSMISSION SHEET FOR FILING OF TRANSLATIONS  
WITH THE ARUSHA BRANCH OF  
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

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