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Mechanism for International Criminal Tribunals

Date: 21 October 2014

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French

Before: Mr Theodor Meron, President

Registrar: Mr John Hocking

Laurent Bucyibaruta, Case No. MICT-13-44

SIXTH MONITORING REPORT

Laetitia Husson:

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

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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. 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 (“Rules” and “ICTR”). It covers the period from July to September 2014.

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 court, 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 requirements for referral were met and accordingly ordered that the case of *The Prosecutor v. Laurent Bucyibaruta* 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 three subsequent monitoring missions were conducted in January, April and July 2014. The reports on these five 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 and 25 July 2014 respectively, and made public by the latter on the MICT website on 15

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-I, 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-I, “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.

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July 2013, 7 November 2013, 28 January 2014, 28 April 2014 and 5 August 2014, respectively.⁴

6. As part of this new monitoring mission, I contacted Mr Philippe Greciano, Mr Bucyibaruta's legal representative, who stated in an email on 9 October 2014 that "the investigation is proceeding but the judicial system continues to deny [Mr Bucyibaruta] a copy of his file to study. Unfortunately, we are still a long way from international standards in the matter of human rights."

7. On 16 October 2014, I had a conference call with Ms Aurélie Devos, Deputy Prosecutor and Chief of Section AC5, Unit for Crimes Against Humanity and War Crimes of the Paris Tribunal de Grande Instance ("Unit") and with Mr Nicolas Peron, Deputy Prosecutor at the Unit. Ms Devos informed me that the prospects for this case remained the same, and that the judicial investigation would close in the second half of 2015. She stated that new confrontations in the case were planned to take place in late September 2014. She also pointed out that Mr Bucyibaruta had full access to the investigation file at the office of the investigating judge and access to a copy of the file at the office of his attorneys.

8. Representatives of the civil parties will be invited to share their observations on the progress of the case and the compliance with the requirements of the referral of Mr Bucyibaruta's case during the next monitoring mission.

Done on 21 October 2014
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, Fifth Monitoring Report, dated 25 July 2014, filed on 8 August 2014.



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WITH THE ARUSHA BRANCH OF
THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

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