

MICT-13-44  
17-12-2015  
(3 - 1/38bis)

3/38bis  
ZS

**UNITED  
NATIONS**



Mechanism for International Criminal Tribunals

Date: 27 November 2015

Original: French

---

**Before: Mr Theodor Meron, President**

**Registrar: Mr John Hocking**

***Laurent Bucyibaruta, Case No. MICT-13-44***

---

**TENTH MONITORING REPORT**

---

**Nolwenn Guibert**

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

**Received by the Registry  
Mechanism for International Criminal Tribunals  
17/12/2015 18:58**



1. This report is submitted in my capacity as officer in charge of the monitoring mission for the Mechanism for International Criminal Tribunals (hereinafter "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")<sup>1</sup>. It covers the period from mid-July to mid-October 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.<sup>2</sup> 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.<sup>3</sup>

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 domestic court.<sup>4</sup>

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. My predecessor conducted an initial monitoring mission in the *Bucyibaruta* case in June and July 2013, and a second mission in September and October 2013. The seven subsequent monitoring missions were conducted in January, April, July and October 2014, in January, April and May 2015, and in July 2015. The reports on these 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, 27 May 2015, and 18 August 2015 respectively, and

---

<sup>1</sup> I refer to the MICT Registrar's Order of 26 October 2015 Appointing a Monitor in *the proceedings against Laurent Bucyibaruta, and Wenceslas Munyeshyaka*, Cases No MICT-13-44 and MICT-13-45, Order Appointing a Monitor, 26 October 2015.

<sup>2</sup> *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-1, Confirmation of the Indictment and Orders related thereto, 17 June 2005; *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-1, Indictment, 20 July 2005 (unsealed on 14 June 2007).

<sup>3</sup> 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, 20 November 2007.

<sup>4</sup> *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-1, Decision on the Prosecutor's Request for Referral of the Indictment of Laurent Bucyibaruta to France, 20 November 2007.

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, 30 October 2014, 16 March 2015, 28 May 2015, and 17 September 2015, respectively.<sup>5</sup>

6. As part of this tenth monitoring mission, on 18 November 2015 I spoke with Ms Aurelia Devos and Mr Nicolas Peron, Deputy Prosecutors at the Unit for Crimes against Humanity and War Crimes of the Paris *Tribunal de Grande Instance* at the seat of the *Tribunal*.<sup>6</sup> Ms Devos and Mr Peron indicated that the examination of the 26 witnesses requested by the Defence counsel of Mr Bucyibaruta was still ongoing. They also mentioned logistical problems due to the number of witnesses located in eight different countries. Ms Devos and Mr Peron stated that the investigation was scheduled to close in early 2016 and that the civil parties still had full access to the case file.

7. Attorney Philippe Greciano, the legal representative of Mr Bucyibaruta, indicated in an email of 20 November 2015 that he had no remarks.

8. The representatives of the Human Rights League (LDH), of the International Federation for Human Rights (IFHR), of the association *Survie*, of the International League against Racism and Anti-Semitism (LICRA) were invited to share their comments but declined. The Collective of Civil Parties for Rwanda (CPCR) stated in an e-mail dated 19 November 2015 that it had no particular comments to make but indicated nonetheless that the case was making very slow progress from the victims' standpoint.

Done on 27 November 2015  
The Hague (Netherlands)

/signed/

**Nolwenn Guibert**

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

---

<sup>5</sup> *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; *Laurent Bucyibaruta*, Case No. MICT -13-44, Ninth Monitoring Report dated 18 August 2015, filed on 17 September 2015.

<sup>6</sup> Mrs Devos is also the Chief of Section of AC5, Unit for Crimes against Humanity and War Crimes at the Paris *Tribunal de Grande Instance*.



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

<b>To</b>	MICT Registry		
<b>From</b>	<input checked="" type="checkbox"/> ICTY CLSS	<input type="checkbox"/> ICTR LSS	
<b>Original Submitting Party</b>	<input type="checkbox"/> Chambers	<input type="checkbox"/> Defence	<input type="checkbox"/> Prosecution <input checked="" type="checkbox"/> Other Monitor for ICTR cases referred to France
<b>Case Name</b>	BUYIBARUTA	<b>Case Number</b>	MICT-13-44 <b>No. of Pages</b> 3
<b>Original Document No.</b>	MICT-13-44-0011	<b>Translation Reference No.</b>	REG45533
<b>Date of Original</b>	27/11/2015	<b>Original Language</b>	<input type="checkbox"/> English <input checked="" type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Date Transmitted</b>	17/12/2015	<b>Language of Translation</b>	<input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
<b>Title of original document</b>	DIXIÈME RAPPORT DE SUIVI		
<b>Title of translation</b>	TENTH MONITORING REPORT		
<b>Classification Level</b>	<input checked="" type="checkbox"/> Unclassified <input type="checkbox"/> Confidential <input type="checkbox"/> Strictly Confidential	<input type="checkbox"/> Ex Parte Defence excluded <input type="checkbox"/> Ex Parte Prosecution excluded <input type="checkbox"/> Ex Parte R86(H) Applicant excluded <input type="checkbox"/> Ex Parte Amicus Curiae excluded <input type="checkbox"/> Ex Parte other exclusion (specify):	
<b>Document type/ Type de document:</b>	<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Motion <input type="checkbox"/> Decision	<input type="checkbox"/> Order <input type="checkbox"/> Affidavit <input type="checkbox"/> Correspondence <input type="checkbox"/> Judgement	<input type="checkbox"/> Appeal Book <input checked="" type="checkbox"/> Submission from non-parties <input type="checkbox"/> Submission from parties <input type="checkbox"/> Book of Authorities <input type="checkbox"/> Notice of Appeal

Send completed transmission sheet to: [JudicialFilingsArusha@un.org](mailto:JudicialFilingsArusha@un.org)