



Mechanism for International Criminal Tribunals

Date: 25 February 2016

Original: French

Before: Mr Theodor Meron, President

Registrar: Mr John Hocking

Laurent Bucyibaruta, Case No. MICT-13-44

ELEVENTH 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
24/03/2016 16:44



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").¹ It covers the period from November 2015 to February 2016.

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 2005.² 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.³

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 relevant domestic court.⁴

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 2014, April 2014, July 2014, October 2014, January 2015, 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, 1st 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 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.⁵ I personally conducted a

¹ 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.

² *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).

³ 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.

⁴ *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.

⁵ *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

monitoring mission in November 2015 and submitted my report to the President of the MICT through the Registrar on 27 November 2015.⁶ It was made public on 17 December 2015.

6. As part of this eleventh monitoring mission, I talked over the phone 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*⁷. Ms Devos indicated that, concerning the examination of the 26 witnesses requested by the counsel for Mr Bucyibaruta, all requests for judicial assistance directed to third States had been sent and were currently pending.

7. Mr Philippe Greciano, the legal representative of Mr Bucyibaruta, indicated in an email dated 12 February 2016 that he had nothing to add.

8. The legal representatives of the International Federation for Human Rights (IFHR), the Association *Survie*, the International League against Racism and Anti-Semitism (LICRA) were invited to share their comments but declined to do so. The legal representative of the Human Rights League (LDH) stated in an email dated 13 February 2016 that he had nothing to add as regards this case.

Done this 25th day of February 2016
At The Hague,
The Netherlands

/signed/

Nolween Guibert

Officer in Charge of the Monitoring Mission in the
Bucyibaruta Case

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.

⁶ *Laurent Bucyibaruta*, Case No MICT 13-44, Tenth Monitoring Report in the *Bucyibaruta Case* dated 12 July 2013, filed on 30 November 2015.

⁷ Ms 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**

To	MICT Registry				
From	<input checked="" type="checkbox"/> ICTY CLSS		<input type="checkbox"/> ICTR LSS		
Original Submitting Party	<input type="checkbox"/> Chambers	<input type="checkbox"/> Defence	<input type="checkbox"/> Prosecution	<input checked="" type="checkbox"/> Other	
	Monitor for ICTR Cases Referred to France				
Case Name	Bucyibaruta	Case Number	MICT-13-44	No. of Pages	3
Original Document No.	MICT-13-44-0012		Translation Reference No.	REG46373	
Date of Original	25/02/2016	Original Language	<input type="checkbox"/> English	<input checked="" type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Date Transmitted	24/03/2016	Language of Translation	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Title of original document	ONZIÈME RAPPORT DE SUIVI				
Title of translation	ELEVENTH MONITORING REPORT				
Classification Level	<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):		
Document type/ Type de document:	<input type="checkbox"/> Indictment	<input type="checkbox"/> Order	<input type="checkbox"/> Appeal Book	<input type="checkbox"/> Notice of Appeal	
	<input type="checkbox"/> Warrant	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Submission from non-parties		
	<input type="checkbox"/> Motion	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Submission from parties		
	<input type="checkbox"/> Decision	<input type="checkbox"/> Judgement	<input type="checkbox"/> Book of Authorities		

Send completed transmission sheet to: JudicialFilingsArusha@un.org