



Mechanism for International Criminal Tribunals

Date: 23 May 2016

Original: French

Before: Mr Theodor Meron, President

Registrar: Mr John Hocking

Laurent Bucyibaruta, Case No. MICT-13-44

TWELFTH MONITORING REPORT

Nolwenn Guibert

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

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1. This twelfth report is submitted in my capacity as the 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 March to May 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 judicial 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, 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 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 conducted my first mission in

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 Nos 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, 27 June 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; *Laurent Bucyibaruta*, Case No. MICT-13-44, 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*

November 2015 and I 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. The eleventh monitoring report was submitted on 25 February 2016 and made public the same day.⁷

6. As part of this twelfth monitoring mission, on 20 May 2016, I talked over the phone with Ms Aurélia Devos and Mr Nicolas Peron, Deputy Prosecutors at the Unit for Crimes against Humanity and War Crimes of the Paris *Tribunal de Grande Instance*.⁸ Ms Devos indicated that the hearings of the witnesses requested by the counsel for Mr Bucyibaruta were still being organised and that the requests for judicial assistance directed to third States were pending. This phase is planned to be completed in late 2016 or early 2017.

7. Mr Philippe Greciano, the legal representative of Mr Bucyibaruta, indicated in an email dated 17 May 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) and the Human Rights League (LDH) were invited to share their comments but declined to do so.

Done this 23rd day of May 2016
At The Hague,
The Netherlands

/signed/

Nolwenn Guibert

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

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.

⁶ *Laurent Bucyibaruta*, Case No. MICT 13-44, Tenth Monitoring Report, dated 27 November 2015, filed on 30 November 2015.

⁷ *Laurent Bucyibaruta*, Case No. MICT 13-44, Eleventh Monitoring Report, dated and filed on 25 February 2016.

⁸ Ms Devos is also the Chief of Section AC5, Unit for Crimes against Humanity and War Crimes at the Paris *Tribunal de Grande Instance*.



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