

NATIONS  
UNIES

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19-12-2016  
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Mechanism for International  
Criminal Tribunals

Date : 21 November  
2016

Original : French

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Before : Mr Theodor Meron, President

Registrar : Mr John Hocking

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

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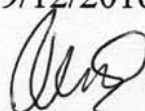
FOURTEENTH MONITORING REPORT

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Savina Savidis

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

Received by the Registry  
Mechanism for International Criminal Tribunals  
19/12/2016 14:16



1. This fourteenth 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 September to November 2016.

### **Introduction and background**

2. The ICTR Prosecutor brought an Indictment against Mr Bucyibaruta on charges of genocide, complicity to commit 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 the 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 relevant 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. The first officer in charge of the MICT monitoring mission 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 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.<sup>5</sup> The second

<sup>1</sup> I refer to the Order of 23 June 2016 of the MICT Registrar 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, 23 June 2016, filed on 24 June 2016.

<sup>2</sup> *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-I, Confirmation of Indictment and Other Related Orders, 17 June 2005; *The Prosecutor v. Laurent Bucyibaruta*, Case No. ICTR-2005-85-I, 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-I, Prosecutor’s Request for 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.

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

<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; *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

officer in charge of the monitoring mission for the MICT conducted an initial monitoring mission in November 2015 and submitted a report to the President of the MICT through the Registrar on 27 November 2015.<sup>6</sup> The report was made public on 17 December 2015. The reports on the eleventh and twelfth missions were submitted to the President of the MICT through the Registrar on 25 February 2016 and 23 May 2016 respectively, and made public on 25 February 2016 and 24 May 2016, respectively<sup>7</sup>. I personally conducted an initial monitoring mission in August 2016 and submitted my report to the President of the MICT through the Registrar on 19 August 2016.<sup>8</sup> This report was made public on 22 August 2016.

6. As part of this fourteenth monitoring mission, I spoke on 16 November 2016 with Mr Nicolas Peron, Deputy Prosecutor at the Unit for Crimes against humanity and war crimes of the Paris *Tribunal de Grande Instance*. Mr Peron reported that almost all requests for judicial assistance directed to third States regarding witness testimonies made by counsel for Mr Bucyibaruta had been filed and answered. Mr Peron indicated that the investigation phase is due to end in the first half of 2017 and that the civil plaintiffs and defence counsel for Mr Bucyibaruta still have access to the entire casefile.

7. Attorney Philippe Greciano, the legal representative of Mr Bucyibaruta, indicated in an e-mail dated 31 October 2016 that he had no remarks.

8. One of the legal representatives of the International League against Racism and Anti-Semitism (LICRA) stated in an e-mail dated 31 October 2016 no to have any remarks on the progress of the case. The legal representatives of the Collective of Civil Plaintiffs for Rwanda (CPCR), the International Federation for Human Rights (FIDH), the association *Survie* and the Human Rights League (LDH) were invited to share their comments but declined.

Done on 21 November 2016  
The Hague (Netherlands)

/signed/

**Savina Savidis**

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

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

<sup>7</sup> *Laurent Bucyibaruta*, Case No. MICT-13-44, Eleventh Monitoring Report dated 25 February 2016; *Laurent Bucyibaruta*, Case No. MICT-13-44, Twelfth Monitoring Report dated 23 May 2016, filed on 24 May 2016.

<sup>8</sup> *Laurent Bucyibaruta*, Case No. MICT-13-44, Thirteenth Monitoring Report dated 19 August 2016, filed on 22 August 2016.



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

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<b>To</b>	MICT Registry				
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<b>Original Submitting Party</b>	<input type="checkbox"/> Chambers	<input type="checkbox"/> Defence	<input type="checkbox"/> Prosecution	<input checked="" type="checkbox"/> Other	
	<b>Officer in Charge of ICTR Cases transferred to France</b>				
<b>Case Name</b>	Bucyibaruta	<b>Case Number</b>	MICT-13-44	<b>No. of Pages</b> 3	
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<b>Title of translation</b>	Fourteenth Monitoring Report				
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