

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No: MICT-12-20

Date: 22nd June 2017

Original: English

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

PROSECUTOR

vs.

BERNARD MUNYAGISHARI

PUBLIC

MONITORING REPORT FOR MAY 2017

Monitor:

Mr. Njonjo Mue

**Received by the Registry
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INTRODUCTION

1. Pursuant to the Terms of Reference for the Monitors, in particular, part "C" of Annex II to the MOU between the Mechanism for International Criminal Tribunals ("MICT" or "Mechanism") and the Kenya Section of the International Commission of Jurists ("ICJ Kenya"), I respectfully submit this Report to the President of the MICT through the Registrar.
2. This Monitoring Report pertains to the activities and interactions of Mr. Njonjo Mue a Monitor appointed by the Mechanism ("Monitor") to monitor the proceedings in the case of Mr. Bernard Munyagishari during the month of May 2017 ("the Reporting Period").
3. During the Reporting Period, the Monitor's undertook one monitoring mission to Rwanda from 24th to 25th May 2017. There were no court sessions held. The Monitor however held discussions with Mr. Bernard Munyagishari at the Kigali Central Prison.
4. A detailed report on all activities during the Reporting Period is provided below.

DETAILED REPORT

Monitoring Mission from 24th to 25th May 2017

Meeting with Mr. Munyagishari held at the Kigali Central Prison on 25th May 2017

5. The Monitor met with Mr. Munyagishari at the Kigali Central Prison. The meeting was conducted with the assistance of an Interpreter.
6. Mr. Munyagishari informed the Monitor that he had requested his lawyers to come and see him before appealing his case and despite promising in a subsequent phone conversation to visit him, they had not done so.
7. Mr. Munyagishari indicated that he had received the judgment of the High Court in

Kinyarwanda from the Registrar on 10 May 2017 which was just ten days before the deadline for filing an appeal.

8. Mr. Munyagishari further informed the Monitor that on 12 May 2017, he had written to the President of the Supreme Court¹ requesting to be assigned a defence lawyer under Article 42, Law No. 03/2012/of 13 June 2012. In addition, he requested for translations of the judgment and proceedings into French as well as an extension of the deadline to file his appeal. Mr. Munyagishari showed the Monitor a copy of the letter and indicated that he had not received a reply to his letter at the time of meeting the Monitor.
9. Mr. Munyagishari asserted that the claims by Defence Counsels Bruce Bikotwa and Jeanne d'arc Umutesi as contained in 2017 February Monitoring Report² that Ms. Umutesi had visited Mr. Munyagishari was a lie including the prepositions about the witnesses based in Rwanda. He reiterated that he had been categorical and had refused to cooperate with both Counsels. In any case had ignored his wishes regarding the witnesses when he expressed his strategy to them in December 2015.
10. To further illustrate his assertions, Mr. Munyagishari made reference to the monitoring report for November 2016³ where Counsels had conceded in that they did not have sufficient information to defend his case,
11. On the conditions of detention, Mr. Munyagishari showed the Monitor a copy of letter dated 27th March 2017 and addressed to the Ministry of Justice. The letter had been written collectively by detainees transferred to Rwanda from the by the International Criminal Tribunal for Rwanda (ICTR), the Mechanism for International Tribunals (MICT), Canada, Denmark, The Netherlands and Norway. The thrust of the letter raised concerns at the failure of the government to uphold its obligations on the detention conditions in respect of what was provided for the prisoners from Sierra Leone regarding visits and communication

¹ Letter dated 12th May 2017 addressed to the President of the Supreme Court of Rwanda, Authorized by the Deputy Director of Nyarugenge prison on May 17, 2017, (Signature and the prison stamp), received by the High Court, on May 18, 2017. Signature of the High Court Clerk, (signature and Court stamp.) Received by the Supreme Court on May 18, 2017, acknowledgement and signature.

² *The Prosecutor v. Bernard Munyagishari* Case No. MICT 12-20, Public Monitoring Report for February 2017 ("February 2017 Monitoring Report"), 22nd March 2017, Para 24

³ *The Prosecutor v. Bernard Munyagishari* Case No. MICT 12-20, Public Monitoring Report for November 2016 ("November 2016 Monitoring Report"), 27th December 2016, Para 12 - 14

with with their families and lawyers, earning subsidies, health, nutrition, education and legal aid.

CONCLUSION

The Monitor remains available to provide any additional information, at the President's direction.

Dated this 22nd day of June 2017

Respectfully submitted

//Njonjo Mue//

Njonjo Mue

Monitor for the B. Munyagishari case

Nairobi, Kenya



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Case Name/ Affaire :	Prosecutor v. B. Munyagishari		Case Number/ Affaire n° :	MICT-12-20	
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