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UNITED  
NATIONS



Mechanism for International Criminal Tribunals

Date: 21 August 2017

Original: French

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Before: Mr Theodor Meron, President

Registrar: Mr Olufemi Elias

*Wenceslas Munyeshyaka*, Case No. MICT-13-45

PUBLIC

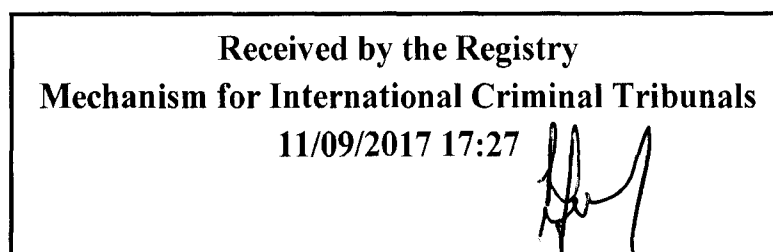
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SEVENTEENTH MONITORING REPORT

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Tatjana Dawson

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



1. This seventeenth 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. Wenceslas Munyeshyaka* (hereinafter “*Munyeshyaka Case*”) 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”). It covers the period from June to August 2017.

### **Introduction and background**

2. The ICTR Prosecutor brought an indictment against Mr Munyeshyaka on charges of genocide and rape, extermination and murder as crimes against humanity committed in Rwanda in 1994. The indictment was confirmed by a Judge of the ICTR on 22 July 2005.<sup>1</sup> Following a request from the ICTR Prosecutor filed pursuant to Rule 11 *bis* of the Rules on 20 November 2007, the Trial Chamber ordered that the *Munyeshyaka Case* be referred to the French authorities.<sup>2</sup>

3. The French authorities referred the *Munyeshyaka Case* to the competent court. In January 2012 the Unit for Crimes against Humanity and War Crimes was set up at the Paris *Tribunal de grande instance* (“Unit”) in response to problems of resources of French courts and in order to handle the extremely substantial workload of the investigating judges responsible for the case from 2007 to 2012. This specialised unit consisted of three full-time investigating judges and two prosecutors, supported by several specialised assistants. The Unit took over the investigation of the *Munyeshyaka Case*.

4. On 26 March 2015, the investigating judges ended the judicial inquiry, issued an order forwarding the file to the Public Prosecutor and informed the parties thereof. The Public Prosecutor submitted his reasoned final submission indicating the position of the Prosecution on the next stage in the proceedings. Some of the civil parties also filed their submissions in this respect. On 2 October 2015, the investigating judges issued a closing order having found that Mr Munyeshyaka had no case to answer.

5. Three of the civil parties lodged an appeal against this order within the ten-day time limit envisaged by the Code of Criminal Procedure. The case was then referred to the Investigating Chamber. The Prosecutor’s Office filed its final submission before the Investigating Chamber in late February 2017.

### **Monitoring mission**

<sup>1</sup> *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, “Decision on Confirmation of an Indictment against Wenceslas Munyeshyaka”, 22 July 2005, public; *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, Indictment, 20 July 2005, public.

<sup>2</sup> *The Prosecutor v. Wenceslas Munyeshyaka*, Case No. ICTR-2005-87-I, “Decision on the Prosecutor’s Request for Referral of Wenceslas Munyeshyaka’s Indictment to France”, 20 November 2007, public.

6. In an order of 24 November 2016, the Registrar of the MICT appointed me interim monitor for the *Munyeshyaka* Case.<sup>3</sup> This report is the seventeenth monitoring report and is part of the submission of quarterly reports.<sup>4</sup>

7. After conducting two monitoring missions in January and May 2017, in August 2017 I once again contacted Mr Jean-Michel Aldebert, Attorney General, Head of the Investigation Chamber of the Paris *Cour d'appel*. I was then informed that a hearing date would be scheduled for September 2017, in tandem with the new Presiding Judge of the Investigation Chamber and that, thus, there were no new developments regarding the case.

8. Attorneys Jean-Yves Dupeux, Florence Bourg and Thierry Massis, the legal representatives of Mr Munyeshyaka, were invited to submit their observations as regards the progress of the case and the respect of their client's rights, but chose not to do so. In light of the stage in the case, I will consult with the representatives of the civil parties during my next monitoring mission scheduled for November 2017.

Done on 21 August 2017  
The Hague (Netherlands)

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/signed/

**Tatjana Dawson**

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

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<sup>3</sup> In the cases against *Laurent Bucyibaruta and Wenceslas Munyeshyaka*, Cases Nos MICT-13-44 and MICT-13-45, "Order Appointing a Monitor", 24 November 2016, public.

<sup>4</sup>The last report was submitted to the President of the MICT on 23 May 2017. *Wenceslas Munyeshyaka*, Case No. MICT-13-45, "Sixteenth Monitoring Report", 23 May 2017, public.



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

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<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
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