

UNITED
NATIONS

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Mechanism for International Criminal Tribunals

Case No: MICT-12-20

Date: 1 November 2017

Original: English

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

PROSECUTOR

v.

BERNARD MUNYAGISHARI

PUBLIC

MONITORING REPORT FOR SEPTEMBER 2017

Monitor:
Ms. Stella Ndirangu

Received by the Registry
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CONTENTS

I.	INTRODUCTION.....	3
I.	DETAILED REPORT.....	3
A.	<i>Monitoring Mission from 27 September to 30 September 2017.....</i>	<i>3</i>
	<i>Meeting with Mr. Tharcisse, the Mpanga Prison Director held on 29 September 2017.....</i>	<i>3</i>
	<i>Meeting with Mr. Munyagishari held on 29 September 2017, at the Mpanga Nyanza Prison.....</i>	<i>4</i>
II.	CONCLUSION.....	5

I. INTRODUCTION

1. Pursuant to the Terms of Reference for the Monitors, particularly 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 of interactions of Ms. Stella Ndirangu Monitor's appointed by the Mechanism ("Monitor"), with Mr. Bernard Munyagishari and Mr. Tharcisse the Deputy Director at Mpanga Prison, during the month of September 2017 ("the Reporting Period").
3. During the Reporting Period, the Monitor undertook one mission to Rwanda on 27 September 2017 to 30 September 2017, to monitor the Bernard Munyagishari case.
4. During the Reporting Period no hearing was held in the B. Munyagishari case.
5. A detailed report on all activities during the Reporting Period is provided below.

I. DETAILED REPORT

A. Monitoring Mission from 27 September to 30 September 2017

Meeting with Mr. Tharcisse Nshimiyimana, the Mpanga Prison Director held on 29 September 2017.

6. Before meeting Mr. Munyagishari, the Monitor met the prison Deputy Director Mr. Tharcisse Nshimiyimana, at his office in Mpanga Prison.
7. Mr. Tharcisse informed the Monitor that the Prison leadership was committed to addressing all the concerns raised by the transfer Accused persons. He informed the Monitor that the Prison was working on obtaining a good mattress for Mr. Munyagishari.

8. He explained that the only other concern that he was aware of, was the issue of the food portions given to the transfer Accused, he explained that the MICT transfer Accused cannot be provided with the same food as the Sierra Leone prisoners because their menu's are different to cater for the cultural food preferences, as well as budgets available. He however emphasized that the Prison was looking into increasing some of the food portions such as bread, for the transferred Accused and by the October 2017, the Accused persons would receive more portions.
9. Mr. Tharcisse explained that other than the food issue he was not aware of other concerns and if any arose they would find ways to address them.

Meeting with Mr. Munyagishari held on 29 September 2017, at the Mpanga Nyanza Prison.

10. The Monitor met Mr. Munyagishari at the Mpanga Prison in the presence of an interpreter.
11. Mr. Munyagishari informed the Monitor that he had also written a letter to Counsel Bruce Bikotwa instructing him stop ruining his case further. This letter he had handed over to the legal office at the Kigali Central Prison for dispatch, before his transfer to Mpanga Prison. He indicated that the Prison had not returned to him the copy that would help him confirm that the letter was delivered.
12. Mr. Munyagishari explained that on 18 September 2017 when he was taken to Kigali for an appointment at King Faisal Hospital, he had passed by the Kigali prison and when he visited the legal office, his letters were still there.
13. When the legal officer at Mpanga Prison had subsequently visited the Kigali Central Prison to to follow up on whether his letters had been dispatched, he was advised that the prison was working on dispatching the letters.
14. Mr. Munyagishari was unhappy with the delay to dispatch letters he wrote in August 2017, while he was being held at the Kigali Central Prison.

15. Mr. Munyagishari requested the Monitor to visit the Kigali Central Prison to ascertain if his letters had been dispatched. Secondly, Mr. Munyagishari requested the Monitor to request the MICT to provide him with the affidavits filed by the Rwanda Correctional Services during his transfer, as the documents he had were incomplete.
16. On the detention conditions, Mr. Munyagishari explained that he had been assured that the concerns he had raised were being attended to, as such he was willing to wait to see if the issues were remedied.

II. CONCLUSION

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

Dated this 1st day of November 2017

Respectfully submitted

//Stella Ndirangu//

Stella Ndirangu
Monitor for the B. Munyagishari case
Nairobi, Kenya



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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Case Name/ Affaire :	Prosecutor v. B. Munyagishari		Case Number/ Affaire n° : MICT-12-20
Date Created/ Daté du :	01-11-2017	Date transmitted/ Transmis le :	01-11-2017
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Title of Document/ Titre du document :	Public Monitoring Report for September 2017		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ <i>Non classifié</i>	<input type="checkbox"/> Ex Parte Defence excluded/ <i>Défense exclue</i>	
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