

UNITED
NATIONS



Mechanism for International Criminal Tribunals

Case No: MICT-12-20

Date: 25 November 2017

Original: English

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

PROSECUTOR

vs.

BERNARD MUNYAGISHARI

PUBLIC

MONITORING REPORT FOR OCTOBER 2017

Monitor:

Mr. Njonjo Mue

Received by the Registry
Mechanism for International Criminal Tribunals

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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 October 2017 ("the Reporting Period").
3. During the Reporting Period, the Monitor undertook one monitoring mission to Rwanda from 15th to 17th October 2017. There were no court sessions held. The Monitor however held discussions with Mr. Bernard Munyagishari at the Mpanga Prison.
4. A detailed report on all activities during the Reporting Period is provided below.

DETAILED REPORT

Monitoring Mission from 15th to 17th October 2017

Meeting with Mr. Munyagishari held at the Mpanga Prison on 16th October 2017

5. The Monitor met with Mr. Munyagishari at the Mpanga Prison. The meeting was conducted with the assistance of an Interpreter.
6. Mr Munyagishari protested that what the Defence Counsel had said about Munyagishari was not professional. He said that Mr Bruce Bikotwa is reported in a previous monitoring report to have told one of the Monitors that Mr Munyagishari should write to his defence team to tell them if he was now ready to cooperate with them. However, according to Mr. Munyagishari, that was not the issue. The issue is that the defence was assigned for the interest of justice and he was therefore requesting them to really serve the interests of justice

instead of asking him to write to them to state that he was now ready to cooperate with them. He reiterated that there had never been any cooperation between himself and the defence team assigned to him because they had rejected his defence strategy from the outset.

7. Mr Munyagishari informed the Monitor that he had written to Mr Umutesi and Mr Bikotwa on 7 August 2017 asking them to cease and desist from jeopardising his interests and prejudicing his right to defence for his appeal before the Supreme Court. He stated that a lawyer who could not understand the defence strategy and implement it could not claim to be a professional lawyer.
8. Mr Munyagishari informed the monitor that the letters he had written on 7 August 2017 that for almost two months had not been forwarded by Kigali Central Prison authorities had finally been forwarded on 2 October 2017 and had been received the same day by the addressees, i.e. the Supreme Court and the Bar Association.
9. Mr Munyagishari asked whether ICJ-Kenya had acted on his earlier request to ask MICT to produce the Amicus Submissions that the Government of Rwanda had filed with the Mechanism during the transfer hearings. The Monitor informed Mr Munyagishari that ICJ-Kenya had written to MICT requesting a copy of the Amicus submissions, but had not yet received their response. Mr Munyagishari insisted that should the Amicus submissions not be forthcoming from MICT, ICJ-Kenya should seek a satisfactory explanation because in the absence of the Amicus submissions, which are a record of what the Government of Rwanda promised with regard to his transfer, the Government of Rwanda “does whatever it wants”.

CONCLUSION

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

Dated this 25th day of November 2017

Respectfully submitted

//Njonjo Mue//

Njonjo Mue

Monitor for the B. Munyagishari case

Nairobi, Kenya



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