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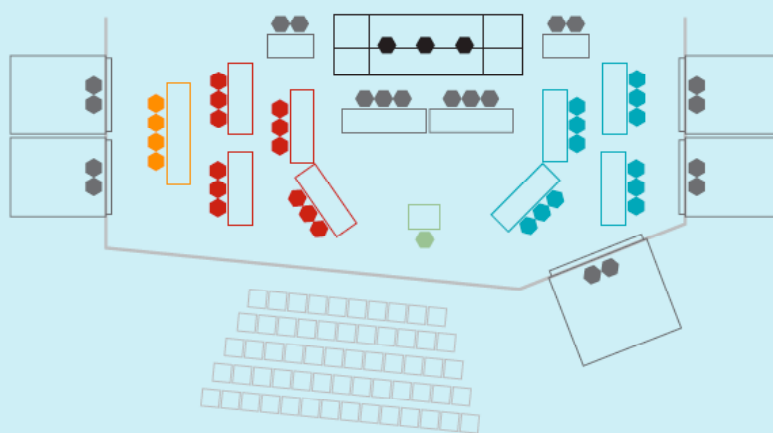


Tribunal pénal international pour le Rwanda

Modèle ou contre-modèle pour la justice
pénale internationale ? Le point de vue des acteurs

International Criminal Tribunal for Rwanda

Model or Counter Model for International Criminal Justice?
The Perspective of the Stakeholders



Colloque international / International Symposium

Centre international de Conférences | Genève 9,10,11 juillet 2009

International Conference Centre | Geneva 9,10,11 July 2009

17, rue de Varembé / CP-13-CH 1211 Genève 20 / Suisse

Organisé par

l'Académie de droit international humanitaire et des droits humains à Genève (ADH),
l'Institut de hautes études internationales et du développement (IHEID) et
l'Institut d'Étude du Développement Économique et Social (IEDES) de l'Université de Paris 1 Panthéon-Sorbonne

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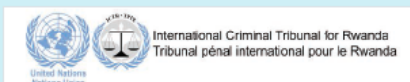
du Département fédéral des Affaires étrangères suisse (DFAE) et
du Tribunal Pénal International pour le Rwanda (TPIR)

Organized by

the Geneva Academy of International Humanitarian Law and Human Rights (ADH),
the Graduate Institute of International and Development Studies (IHEID) and
the Institute of Economic and Social Development Studies (IEDES), Panthéon-Sorbonne Paris I University

Sponsored by

the Federal Department of Foreign Affairs of Switzerland (FDFA) and
the International Criminal Tribunal of Rwanda (ICTR)



DOSSIER DE PRESSE / PRESS PACKET

PRESS PACKET

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The ICTR in figures

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PRESS RELEASE

Press Conference

Saturday July 11 2009 at 17:00

International Conference Centre Geneva, 17 rue de Varembé, Geneva.

International Criminal Tribunal for Rwanda: Time for assessment

From Thursday 9 July to Saturday 11 July, Geneva will welcome the International Symposium entitled **"International Criminal Tribunal for Rwanda: Model or Counter Model for International Criminal Justice? The Perspective of the Stakeholders»**. The conference will gather together over 50 practitioners who have all participated or collaborated with the International Criminal Tribunal for Rwanda. Over the course of three days of discussions the participants will take stock of the fifteen years of operation of the jurisdiction established by the UN Security Council to prosecute those responsible for crimes committed in Rwanda during 1994.

In 15 years, the International Tribunal, which sits in Arusha, Tanzania, has indicted 90 persons alleged to be responsible for the Rwandan genocide. Those who have contributed to justice throughout this period will come together to make their own assessment of the first international criminal tribunal established in Africa. To ensure diversity and to recreate the equilibrium of the courtroom, judges, defence lawyers, prosecution counsels, Registry legal officers, witnesses, experts, victims, investigators and interpreters will be convened in a symposium in Geneva. Working groups will be held in closed sessions.

After three days of discussion and debate, a press conference will be held at 5 pm on Saturday, 11 July 2009, at the International Conference Centre of Geneva, 17 rue de Varembé, involving the Organizing Committee and the various practitioners represented at the conference.

(Please kindly note that prior registration is necessary and that invitations are personal. Please confirm your participation by Friday at the following address: arusha-2009@hotmail.com).

The conference is organized by the The Geneva Academy of International Humanitarian Law and Human Rights (**ADH**), The Graduate Institute of International and Development Studies (**IHEID**) and by The Institute of Economic and Social Development Studies (**IEDES**), Paris I Panthéon-Sorbonne University. It is supported by The Federal Department of Foreign Affairs of Switzerland (**FDFA**) and by The International Criminal Tribunal for Rwanda (**ICTR**).

A hundred pages brochure, issued by the organizers, presenting the work of the Tribunal will be given at the entrance.

Press Contact: For interview requests with one of the participants (depending on their availability) please contact as soon as possible Sylvie Capitant: + 41 (0) 76 768 92 35 or s.capitant@rocketmail.com

Liste des participants / List of participants

Note : Les fonctions des invités sont celles exercées dans le cadre de leur exercice en lien avec le TPIR / NB: Titles indicated do only reflect duties assumed (past and present) in relation with ICTR.
* En attente de confirmation / Confirmation awaited.

DAHINDEN Martin Ambassadeur, Directeur de la Direction du développement et de la coopération suisse DDC, DFAE / Ambassador, Director of the Swiss Agency for development and cooperation SDC, FDFA
Représentants du DFAE / Representatives of FDFA

Coopération des Etats / Cooperation of States

BANCES DEL REY Marias Juriste / Legal Officer - UNHCR

DEGNI-SEGUI René Professeur, Ancien Rapporteur spécial de la Commission des Droits de l'Homme pour le Rwanda / Professor, Former Rapporteur of the UN Commission on Human Rights for Rwanda

MIGEOT Valérie* Officier de police judiciaire, Royaume de Belgique / Police Officer, Kingdom of Belgium

PROSPER Pierre Richard Ancien Procureur en chef dans l'affaire Akayesu et Ambassadeur américain pour les crimes de guerre / Former Senior Trial Attorney in the Akayesu case and Ambassador at large for war crimes issues

VANDERMEERSCH Damien Ancien Juge d'instruction, Royaume de Belgique / Former Investigative Judge, Kingdom of Belgium

Juges et assistants / Judges & Legal Officers

ARREY Florence Rita Juge / Judge

BYRON Dennis C. M. Juge, Président du TPIR / Judge, President of ICTR

EBOE-OSUJI Chile Juriste principal, Chef des Chambres / Senior Legal Officer, Head of Chambers

HASKELL Leslie Ancienne juriste auprès du Juge Meso / Former Legal Officer for Judge Meso

KHAN Khalida Rachid Juge, Vice-Présidente du TPIR / Judge, Vice-President of ICTR

MØSE Erik Juge, ancien Président du TPIR / Judge, former President of ICTR

PILLAY Navanethem Juge, ancienne Présidente du TPIR / Judge, former President of ICTR

SHORT Émile Francis Juge / Judge

Le Bureau du procureur / Office of the Prosecutor

APTEL Cécile Ancienne Juriste auprès du président Laity Kama, Coordinateur juridique - Chambres, Conseiller juridique auprès du Procureur Carla del Ponte / Former Legal Officer for President Laity Kama, Legal Coordinator - Chambers, Legal Advisor for Prosecutor Carla del Ponte

ARBIA Silvana Ancienne avocate générale principale, Chef des poursuites du TPIR / Former Senior Trial Attorney, Chief of prosecutions at the ICTR

DEL PONTE Carla Ancien Procureur du TPIY & TPIR / Former Prosecutor of ICTY & ICTR

FADUGBA Ayodeji Chef de la section des preuves / Chief of Information and Evidence Support Section

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Greffes / Registry

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BECKY Sylvie Chef de la Section de protection des témoins / Chief, Witnesses and Victims Support Section

BESNIER Pascal Administrateur chargé de la Division des services judiciaires et légaux, Chef de la Section de la défense / Officer in charge of Judicial and Legal services, Chief, Defence Counsel Section

DIENG Adama Greffier du TPIR / Registrar of ICTR

GUINDO Saïdou Commandant de l'Unité de détention / Commanding Officer, UNDF

MPATSWENUMUGABO Alphonse Interprète / Interpreter

NGENDAHAYO Françoise Conseillère sur les questions liées au genre et sur l'assistance aux victimes / Advisor on gender issues and assistance to victims

NIANG Mandiaye Assistant juridique principal / Senior Legal Officer

O'DONNELL Everard Ancien Greffier adjoint / Former Deputy Registrar

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CONDE Aïcha Avocate / Defence Counsel Affaires/Cases: Kamuhanda, Rukundo, Nshogoza

HAGUMA Jean Avocat / Defence Counsel Affaires/Cases: Nzabirinda

KAY Stephen* Avocat / Defence Counsel Affaires/Cases: Musema

LURQUIN Vincent Avocat / Defence Counsel Affaires/Cases: Bagambiki, Ndindiliyimana

ROUX François Avocat / Defence Counsel Affaires/Cases: Bagilishema, Rutaganira, Nzabirinda, Ntawukuriyayo

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MUKESHIMANA Florida Témoin / Witness

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Les universitaires et présidents de séances / Academics and chairmen

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CLAPHAM Andrew Professeur de droit international, IHEID, Directeur de l'ADH / Associate Professor of International Law, IHEID, Director of ADH

FLOUR Yvonne Professeur, Vice-Présidente de l'Université Paris I (Conseil Scientifique) / Professor, Vice-President of Paris I University (Scientific Committee)

GARAPON Antoine Magistrat, Secrétaire général de l'Institut des Hautes Etudes sur la Justice / Magistrate, General Secretary of "Institut des Hautes Etudes sur la Justice"

GETTI Jean-Pierre Magistrat / Magistrate

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SCHABAS William Professeur / Professor, University of Ireland

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VIDAL Claudine Chercheur / Senior Research Fellow, CNRS, France

WALDORF Lars Professeur, Directeur du Centre International des Droits Humains, Université de Londres / Professor, Director, Centre for International Human Rights, University of London

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ANTANGA FONCHA Damian Interprète / Interpreter

AYUK Emmanuel Ashu-Agbor Interprète / Interpreter

DOLIN-AMRAOUI Hélène Sténographe / Court reporter

FAYE Charles Interprète / Interpreter

KNOX Sherril Sténographe / Court reporter

NAOUISS Pierre Interprète / Interpreter

PETOUO Claudide Sténographe / Court reporter

REYNOSA Joe Sténographe / Court reporter

BACKGROUND AND GOALS OF THE CONFERENCE

“The justice separates the innocent of the murderer, the murderer of its crime and the victim of its suffering” (Pierre Legendre).

Although the International Criminal Tribunal for Rwanda has embarked upon the final phase of its “Completion Strategy”, the conference in Geneva can almost be viewed as the last step, or the beginning of another one, long in coming: self evaluation. We can be assured of one thing: critical assessment will on the agenda of many another conferences and is likely to generate a variety of readings and controversies.

In this process of review, it is important that those who have lived through this experience from day-to-day enter this debate with respect for the plurality of views. Those who were the practitioners are today the legatees. It is also up to them to define their legacy, not only as representatives of their institutions or their respective professions, but also as individuals having each lived, experienced, analyzed, criticized or appreciated a phase of this complex process.

At the helm of this cycle, the conference in Geneva has proposed careful choices and outlined distinct priorities.

First among them is to consider that it belongs to the participants and stakeholders that have given life to this institution and have pursued its mandate to inaugurate this phase of reflection. Indeed, the ICTR is above all the incarnation of shared experiences and commitments from some two to three thousand actors: witnesses and victims, accused persons, lawyers, investigators, prosecution, registry, judges, court assistants, and human rights defenders who came together to advance the rule of law in a judicial context independent of their choosing and, perchance, at variance with their expectations, often with limited means and in an environment that was not always the most supportive. The opportunity for each one to take the floor and express themselves freely, and without the self-restraint that their former official duties may have imposed, presents unparalleled opportunities for insight and reflection for all.

It bears noting that the academic context, and even the very site that was selected, were not gratuitous choices. This initiative was self-consciously symbolic. As an international institution called upon to render justice, to “speak the truth – *veritatem dicere*”, the Academy is held to a high standard in matters of truth, open debate and intellectual rigor, and independence from political manipulation.

And then Geneva itself is a preeminent site for international coordination, and it was important to demonstrate that the Tribunal’s struggle against impunity in the region of the African Great Lakes is fully engaged in constructing a new world order of values. Switzerland, and more precisely, the Federal Department of Foreign Affairs, supported this project from its very conception and accepted to finance it so that material constraints would not encumber its organization or its vision.

Finally, of course, without sustained support from the three organs of the ICTR, the Presidency, the Registry and the Prosecution, this conference in Geneva could never have taken form. To have accepted such an exercise of self-evaluation in collaboration with academics with longstanding commitments to this region demonstrates a laudable respect for critical dialog and transparency.

A candid assessment of the accomplishments, the strengths and weaknesses of the institution and its legacy to International Justice will surely be its most lasting contribution, and most likely the most awaited.

THE ORGANIZERS

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THE ICTR AND INTERNATIONAL JUSTICE

Building upon the precedent of the Nuremberg Tribunal that the Allied Powers set up in 1945 to prosecute Nazi war criminals, the International Criminal Tribunal for Rwanda (ICTR) is a counter model in the landscape of International Criminal Justice. Virtually a “pioneer tribunal” in Africa, the ICTR was set up by the United Nations as that very organization sought to confront its own failure to maintain peace and prevent genocide, and despite formal opposition from Rwandan authorities to the resolution – as drafted by the Security Council – that oversaw its creation. Despite certain reservations its work has generated, the ICTR has made an undeniable contribution to international justice, whose foundations were laid at Nuremberg, by consolidating International Humanitarian Law.

The International Criminal Tribunal for Rwanda will prove to be one of the most important steps in the history of international criminal justice, and the first of its kind in Africa. Its scope, achievements, experience and record must be appreciated in the context of an emergent tradition of international justice. International justice is henceforth inscribed in the broader framework of conflict resolution and is viewed by the United Nations as one of the key building blocks for ensuring international stability and security. It is listed among the Millennium Development Goals established by the Secretary General.

With the inauguration of the International Criminal Court, international justice has become a veritable global judicial system, composed of a proliferation of initiatives of varying impact, including the establishment of hybrid courts, trials of international crimes conducted before national courts, the establishment of Truth Commissions, or the creation of commissions of inquiry, which have become more numerous and institutionalized over the last few years. These heterogeneous and complementary experiences, have fostered mutual enrichment among these various jurisdictions, and will continue to do so in the future, unhindered by the usual North/South cleavages.

The ICTR has delivered the first conviction for genocide in the history of international justice, applying the Convention on the Prevention and Punishment of Genocide for the first time. By its decisions, the ICTR has greatly enriched the jurisprudence of International Humanitarian Law. It has clarified and extended the jurisprudence initially developed by the Nuremberg Tribunal concerning the use of propaganda as a weapon of war. It was the first tribunal to record the confessions of a former head of government. It can safely be said that the pioneering role of the ICTR has profoundly influenced the very substance of International Criminal Law.

The judgements rendered by the Arusha Tribunal, the thousands of testimonies heard in the court, the hundreds of documents collected, constitute the historical legacy of the ICTR. Anxious to distance themselves from historical contingency, the judges generally invoke “Judicial Truth”. Justice only writes a part of History, which must be expounded and analyzed by a scientific assessment. After 15 years of extensive investigations, the ICTR now has a very rich database of information. In the same manner, the voluminous trial transcripts provide a broad basis for discovery and analysis of the 1994 war and genocide.

Ideally, international justice seeks to establish a right to justice, to offer reparations to victims and to guarantee the non-repetition of the crimes that fall within its mandate; in other words, to discourage candidates to prosecution. If this moral dimension of international justice is sought for its potential to confer legitimacy on the political aspirations of the powerful, it is nonetheless undeniable that establishing international criminal jurisdictions demonstrates a willingness to guide international relations with morality. But evoking moral arguments may also tend toward Manichaeism and oversimplification, when it contributes to a description of opposed sides serving binary, “good versus bad” causes. To what extent has the ICTR managed to stand clear of this Manichaeism? Has it been

able to reflect the complexity of the situation in Rwanda and carry out a critical examination of the arguments of the protagonists, or in other words, has it distanced itself from the traditional victor's justice approach?

Even when it is proclaimed independent, international justice remains an instrument of the States who finance it, implement its arrest warrants or not and respond with a varying degree of good faith to requests for assistance and cooperation from its Prosecutors. To conduct its investigations, have access to and protect its witnesses, arrest its suspects and enforce its penalties, international justice, who does not have his own police force, depends on State cooperation. Notwithstanding, the political situation can also be influenced by the demands of the public opinion and outcry from human rights organizations and victims that call for an end to impunity and condemnation of the worst crimes. In this regard, geopolitics may complement or reinforce the moralizing dimension of international relations.

THE ICTR IN FIGURES

Information is current as of 1st May 2009

90 Accusés / 90 Accused - Au 1er mai 2009 / By 1st May 2009

90 Accusés / Accused

Poursuivis pour génocide, crimes contre l'Humanité et violations graves du droit international humanitaire / Prosecuted for Genocide, Crimes against Humanity and Serious violations of International Humanitarian Law

13 Accusés en fuite / Accused at large

77 Accusés arrêtés / Accused arrested

74 Arrestations / Arrests
3 Redditions volontaires / Voluntary surrenders

5 Accusés non jugés par le TPIR / Accused not tried by ICTR

2 Retraits / Cases withdrawn
2 Transférés à la France / Cases transferred to France
1 Mort avant le procès / Deceased before beginning of trial

72 Accusés jugés ou en passe d'être jugés par le TPIR / Accused tried or due to be tried by ICTR

Les arrestations / Arrests

77 arrestations dans 26 pays
77 Arrests in 26 countries

Afrique / Africa	56 arrestations dans 17 pays 56 Arrests in 17 countries
Europe	20 arrestations dans 8 pays 20 Arrests in 8 countries
Amérique du Nord North America	1 arrestation dans 1 pays 1 Arrest in 1 countries

Procès de première instance / Trials at first instance
Du 9 janvier 1997 au 1er mai 2009 / From 9 January 1997 through 1st May 2009

Procès achevés ou en attente de jugement
Trials completed or awaiting judgement

38

Procès individuels
Single-accused trials

31

Procès collectifs
Multi-accused trials

7

55
Accusés / Accused

Procès à achever d'ici la fermeture*
Trials due to be completed prior to closing*

12

6 procès en cours et 6 en préparation /
6 on-going trials and 6 cases in the pre-trial stage

Procès individuels
Single-accused trials

10

Procès collectifs
Multi-accused trials

2

17
Accusés / Accused

I Jugements de première instance / Judgements at first instance

1998-2009

Nb de jugements rendus	34 pour 43 accusés
Nb of judgements delivered	34 for 43 Accused
Jugements dans affaires individuelles	
Judgements in single-accused cases	29
Jugements dans affaires collectives	
Judgements in multi-accused cases	5

D'ici la fermeture / Prior to closing

Jugements à rendre	17 pour 30 accusés
Judgements due to be delivered	17 for 30 Accused
5 jugements en cours d'écriture / 5 judgements being written	
Jugements dans affaires individuelles	
Judgements in single-accused cases	13
Jugements dans affaires collectives	
Judgements in multi-accused cases	4

La préventive*

42 personnes ont été jugées en première instance
28 en procès individuels
14 en procès collectifs

Procès individuels

- * Durée moyenne de la détention provisoire
4 ans et 6 mois
- * La plus courte : SERUSHAGO Omar
7 mois
- * La plus longue : RWAMAKUBA André
7 ans et 11 mois

Procès collectifs

- * Durée moyenne de la détention provisoire
7 ans et 11 mois
- * La plus courte : RUZINDANA Obed
2 ans et 7 mois
- * La plus longue : BAGOSORA Théoneste
13 ans et 9 mois

Accusés ayant plaidé coupable (8)

- * Durée moyenne de la détention provisoire
2 ans et 9 mois

Preventive detention*

42 persons have been judged at first instance
28 in single-accused cases
14 in multi-accused cases

Single-accused cases

- * Average duration of preventive detention
4 years and 6 months
- * The shortest : SERUSHAGO Omar
7 months
- * The longest : RWAMAKUBA André
7 years and 11 months

Multi-accused cases

- * Average duration of preventive detention
7 years and 11 months
- * The shortest : RUZINDANA Obed
2 years and 7 months
- * The longest : BAGOSORA Théoneste
13 years and 9 months

Guilty plea cases (8)

- * Average duration of preventive detention
2 years and 9 months

* Entre la date de jugement et la date du premier jugement

* Between arrest and judgement by Trial Chambers

Programme

Thursday 9 July 2009

10h

Welcoming the participants

SESSION 1

10h30 to 12h30

Welcoming speech by Pr. Philippe Burrin,
Director of IHEID and by Pr. Yvonne Flour,
Vice-President of Paris I University

Opening remarks by
Mr. Martin Dahinden,
Ambassador, Director of the Swiss Agency
for development and cooperation SDC, FDFA

Opening remarks by Judge
Mr. Dennis C. M. Byron, *President of ICTR*

Chairman: Pr. Philippe Burrin,
Director of IHEID, Geneva

SESSION 2

14h to 17h30

The prosecutions

Criteria, characteristics, staff, localization,
research and implementation, institutional
collaborations, committal for trial

Chairman: Mr. Jean-Pierre Getti, *Magistrate*

Friday 10 July 2009

SESSION 3

9h to 12h30

The trial: Establishing the evidence

Investigation, logistics, means of operation,
witnesses, expert witnesses, equality of the
parties, witnesses and testimonies in terms
of duration, translations

Chairman: Pr. Jean-Marc Sorel,
Professor of Public Law, Paris I University

SESSION 4

14h to 17h30

The judgement and the sentence

Confinement and prisoners, convicted
and acquitted, sentences, plea guilty, the appeal,
conviction, impacts, execution

Chairman: Mr. Antoine Garapon,
Magistrate, General Secretary of "Institut des
Hautes Etudes sur la Justice", Paris

17h30

Tribute to Mrs. Alison Des Forges
With the presence of Mr. Roger Des Forges

18h30

Cocktail

Saturday 11 July 2009

SESSION 5

9h to 12h

Debates with Prosecutors
Summary of workshops

Chairman: Pr. Andrew Clapham,
Professor of International Law, IHEID
Director of ADH, Geneva

SESSION 6

13h30 to 16h30

Debates with academics

Closing remarks by
Mr. Adama Dieng,
Registrar of ICTR

Closing remarks by
Mr. Hassan Bubacar Jallow,
Prosecutor of ICTR

Chairman: Pr. Vincent Chetail,
Associate Professor of International Law, IHEID,
Research Director, ADH

USEFUL INFORMATION

Press Conference

SATURDAY JULY 11, 5pm.

International Conference Centre of Geneva
17 rue de Varembe
CP-13-CH 1211 Genève 20 / Switzerland
Tram 13 or 15, Place des Nations stop

Registration requested (by Friday)

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