

**ANNOTATED LEADING CASES OF
INTERNATIONAL CRIMINAL TRIBUNALS**

VOLUME LVIII

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR RWANDA**

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André KLIP/ Steven FREELAND (editors)

Victoria Häberle (assistant-editor)

 **INTERSENTIA**

Cambridge – Antwerp – Chicago

Intersentia Ltd
8 Wellington Mews | Wellington Street
Cambridge | CB1 1HW | United Kingdom
Tel.: +44 1223 736 170
Email: mail@intersentia.co.uk
www.intersentia.com | www.intersentia.co.uk

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The International Criminal Tribunal for Rwanda 2013-2014

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PREFACE

This is the fifty-eighth volume in the series 'Annotated Leading Cases of International Criminal Tribunals' and contains the most important decisions of the International Criminal Tribunal for the Rwanda (ICTR) handed down in the period 1 January 2013 – 31 December 2014. It is the fifteenth volume in the series containing decisions of the ICTR. Given the completion strategy of the successor of the ICTR, the International Residual Mechanism for Criminal Tribunals, a limited number of further volumes on ICTR case law will be published in the series.

This volume is in its approach and structure similar to previous volumes. Thus, the book contains the full text of all the annotated decisions and judgements, including any separate, concurring and dissenting opinions, as well as annexes to the decisions. Unlike previous volumes, up until volume 53, in which we published the decisions in a reduced format, you will now find the decisions identical to their original published version. With new techniques it is now also possible to conduct a full text search electronically in a pdf file. Many of our readers have already found their way to the database of annotatedleadingcases.com, which gives you full access with all cross search possibilities to all volumes. We hope our readers will appreciate this new step.

We are very pleased that a number of distinguished international law scholars were prepared to write interesting and stimulating commentaries regarding these decisions, and believe that their contributions will add to the breadth of knowledge and understanding about the work of the ICTR.

A few words regarding the selection of decisions in the ALC volumes are appropriate given the fact that we have decided to change the policy concerning the publication of judgements. In previous volumes, we selected all final judgements, rendered by both the Trial Chamber as well as by the Appeals Chamber in the same case. In view of the fact that more and more judgements deal with established case law, and in light of the space all the judgements cover in the series, we have decided no longer to select Trial Chamber judgements in cases in which there is already an existing Appeals Chamber judgement. The commentator to the latter judgement is invited to include a comparison of the Trial and Appeals Chamber judgements in his or her contribution. In doing so, we expect to be able to focus more on the key issues that are at stake in the case at hand. In addition, we expect to be able to publish the volumes sooner following the handing down of the relevant Appeals Chamber judgement.

With regard to other decisions, the existing policy will be maintained. This means that, additionally, we will continue to publish decisions taken at any stage of the proceedings that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision, or because they enter new legal waters. As a result, we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

The decisions annotated in this volume cover a broad spectrum of the issues relating to proceedings before the ICTR. Much of this volume deals with the conduct of trial proceedings. The decisions in this group address procedural issues, fair trial notions and issues related to detention facilities.

The main body of the volume consists of judgements. Trial Chamber judgements in the case of Mugenzi and Mugiraneza, as well in the case of Ndahimana. In addition, the Trial Chamber judgement in Ndingiliyimana and the Appeals Chamber judgement in the Bizimungu et al case. Finally, the Trial Chamber judgements in the case of Karemera and Ngirumpatse, as well as the judgement in Ngirabatware is included.

The volume concludes with decisions dealing with applications for early release and review.

Once again, we gratefully acknowledge the assistance of many people without whom we could not have completed this volume. These include Registrar Olufemi Elias of the IRMCT and his staff, who offered generous assistance in obtaining all the necessary copies of decisions, our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, and also our assistant, Victoria Häberle, who assisted with the corrections of the text and without whom we would not be able to publish this series. Of course, we would again like to thank the distinguished authors for their commentaries on the decisions, and their cooperation throughout the process.

We hope that this volume will contribute to the further dissemination of the important work of the ICTR, and that it will provide access to its decisions to practitioners, academics and students.

We continue to make every effort to maintain the high standard of previous volumes, and the Editors welcome feedback and suggestions as to how the ALC series can be continuously improved, so as to maximise its value to readers. The ALC is the largest case law series on international criminal jurisprudence in the world, and it is our on-going aim to make it as useful as possible to all persons interested in the work of the various institutions.

We therefore hope that you will find this volume to be a significant addition to your research resources in this ever more important area of international law.

André Klip and Steven Freeland
Maastricht/ Sydney, February 2020