



To: Ms [REDACTED]
The Minister of Security and Justice
The Netherlands

From: The Kenyan Section of the International Commission of Jurists (ICJ Kenya)

PROSECUTOR

Vs.

[REDACTED] R [REDACTED]

Monitoring Report for the [REDACTED] R [REDACTED] Case for December 2021 to February 2022

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Introduction

1. This report provides the monitoring activities ICJ Kenya Monitor appointed to observe the transfer case of Mr ██████ R ██████ before the Judiciary of the Republic of Rwanda.
2. The report activities include interactions with various stakeholders between December 2021 and February 2022 ("Reporting period").
3. The Monitor undertook three monitoring missions to Rwanda during the Reporting Period to monitor the ██████ R ██████ case (hereinafter referred to as the Accused).
4. Therefore, this report covers meetings with the Accused, his Defense Counsel, and the President of the Rwanda Bar Association.

Detailed Report

Background

1. The International Crime Unit of the Dutch National Police arrested ██████ R ██████ in March 2019 and the subsequent request by Rwanda authorities for the extradition of Venant Rutunga.
2. The Hague District Court ruled on 23 May 2019 that there are no grounds to decline the extradition request ██████ R ██████ to Rwanda, which led to an appeal on the District Court's decision. However, on 28 January 2020, the Supreme Court dismissed the case.
3. The Minister of Justice and Security approved the extradition request on 28 April 2020. ██████ R ██████ appealed this decision, but The Hague District Court decided on 23 December 2020 that the extradition of ██████ R ██████ to Rwanda was granted. The Hague Court of Appeal confirmed this decision on 4 May 2021.
4. On 26 July 2021, V ██████ R ██████ was extradited to Rwanda for trial.
5. Upon his arrival, duty counsel, Mr ██████, was assigned to him by the Rwanda Bar Association (RBA). Mr ██████ is now the Accused's Defense Counsel.
6. The investigators had five days from the day Accused arrived in Rwanda to conduct investigations, and thereafter the Prosecution was also allowed five days to conduct investigations. On 12 August 2021, the Accused was arraigned at Kagarama Primary Court for a hearing on his provisional detention.
7. The Accused is charged with the following crimes:

- I. Crime of genocide: R [REDACTED] is alleged to have ordered the killing of two employees of [REDACTED], a government institution he headed as a director-general.
 - II. Complicity in genocide: R [REDACTED] is alleged to have participated in a meeting. He ordered the storekeeper of [REDACTED] to open the store and distribute machetes and other tools used to kill Tutsis. He is also alleged to transport "gendarmes" in [REDACTED] official vehicle, to come and help in killing Tutsis.
 - III. Extermination as a crime against humanity: R [REDACTED] is alleged to have requested the support of "gendarmes" (armed policemen) to help to kill around 2000 Tutsis who had taken refuge on a nearby hill because the Interahamwe militia was unable to kill them all; he is alleged to have supervised the killing spree by gendarmes and Interahamwe.
8. Due to the gravity of allegations against the Accused, the Prosecution requested the Court order that the Accused be provisionally detained for thirty more days to investigate his crimes further. He explained that if the Accused was granted bail, he could interfere with investigations, especially since most witnesses were under his leadership at [REDACTED]. The Accused denied the charges asserting that he did not commit any of the alleged crimes
 9. On 17 August 2021, the Court found that there are compelling reasons to suspect the Accused of genocide, complicity in committing genocide, and the crime of Destruction as a crime against humanity, and therefore ordered that the Accused should be remanded in custody for thirty (30) days because of the gravity of the offences.
 10. The Accused's provisional detention was not extended by an additional thirty days as provided in the law after the lapse of the second batch of thirty days that expired on 23 October 2021. Subsequently, the case was filed at the International Crimes Division of the High Court on 21 October 2021.

Meeting held with Defence Counsel, Mr [REDACTED] held on 22 February 2022

11. The purpose of the meeting was to discuss any new developments in the case.
12. Mr [REDACTED] stated that they filed the final submissions in the Court system on 17 January. He would then meet with the Accused before the first hearing held at the International Crimes Division of the High Court.
13. Mr [REDACTED] informed the Monitor that the Accused appears to be doing well and is satisfied with the prison conditions in Mageregere prison.

14. Mr [REDACTED] told the Monitor that the Accused wrote a letter dated 19 January 2022 to the President of the Rwanda Bar Association and the Prosecutor General to facilitate his Defence Counsel [REDACTED] in searching for evidence and Defence witnesses. In particular, Defence is looking for witnesses based in Rwanda and the Netherlands.
15. Mr [REDACTED] clarified that no law in Rwanda prevents Defence Counsels from either speaking to or meeting witnesses. However, he stated that the genocide cases are typically treated with many suspicions; hence, he would like the Rwanda Bar Association to introduce him in writing to the witnesses formally.

Meeting with the Accused at Mageregere Prison held on 23 February 2022

16. The Monitor met the Accused at Mageregere prison with the assistance of an interpreter.
17. The Accused informed the Monitor that the Defence uploaded their submissions in the Court system on 13 December 2021 and was able to see them in the system on 6 January 2022. However, they were further edited and uploaded the final submissions in the system on 17 January 2022.
18. The Accused updated the Monitor that he wrote a letter dated 19 January 2022 to the President of the Rwanda Bar Association and the Prosecutor General to facilitate his Defence Counsel, [REDACTED], in searching for evidence and Defence witnesses. In particular, he requested the Defence Counsel to search for witnesses in the following areas:
 - a. **In Rwanda.**
 - ❖ The Bleu-ciel(Blue Sky) project in Kigali to assist them in getting in touch with [REDACTED].
 - ❖ BCK at building in Kigali can testify R [REDACTED] not seized properties because he was not accused of anything.
 - ❖ In Rwanda, meet those who saw what happened in Rubona or those who know about the Cestrar congress held in Nyamirambo at St André in Kigali.
 - ❖ His house resided in Rubona, which was rebuilt because it was burned down during the genocide.
 - b. **The Netherlands**
 - ❖ To meet the representatives of his family or the community that knew him when he lived in Rubona who can give him the Accused's scientific publications. They can also give him the Kwibuka (Remembering) video in Rubona.

- ❖ The witnesses in the Netherlands can help him get the testimony [REDACTED] in case the Bleu Ciel project would not have helped him.
- ❖ A man named [REDACTED], who used to be a consultant in [REDACTED] and can testify about what happened in Rubona
- ❖ The Accused's former lawyers represented him during his extradition case in the Netherlands.

19. He stated that he is treated well in prison and has not encountered any detention conditions.

The Accused explained that [REDACTED]. He emphasized that the prison authorities try their best; [REDACTED]

21. The Accused observed and expressed concern at the unreasonable delay in the trials of the genocide cases.

Meeting with the President of the Rwanda Bar Association, Mr [REDACTED], held on 24

February 2022, Kigali

22. The purpose of the meeting was to discuss the protocols involved regarding the Defence contacting witnesses, particularly those based out of the jurisdiction.
23. Mr [REDACTED] acknowledged there was a gap in Rwandan law regarding the issue of contacting Defence witnesses.
24. He stated that a law relating to evidence is being drafted. He was going to make suggestions in provisions about the contacting of witnesses by the Defence.

Conclusion

25. The pre-trial phase of the case has concluded. The case will now move to the trial phase at the International Crimes Division of the High Court.
26. The Monitor remains available to share any information regarding this case.