



106 A

Arrangement between the Minister for Foreign Trade and Development Cooperation of the Netherlands, hereinafter referred to as the Minister,

and

The Ministry of Finance and Economic Planning of the Republic of Rwanda established with offices in Kigali, hereinafter referred to as the Organisation;

Whereas the Minister is prepared to support the programme Capacity Building of the Judiciary & Prosecution for extradited suspects of Genocide, Phase II, no. 4000002774, up to a maximum of EUR 5.429.857

Whereas the Supreme Court of Rwanda and the Genocide Fugitive Tracking Unit are prepared to take responsibility for the implementation of this programme, hereinafter referred to as the Implementing Organisation;

Whereas the purpose of the programme is Judiciary and the Prosecution, to improve all round quality of judgement and sentencing, as well as specifically improving prosecution of genocide suspects;

The Minister and the Organisation have come to the following Arrangement:

1. The programme will be implemented as from July 1st 2019. It will be completed by June 30 2022.
 2. The Implementing Organisation will be responsible for the implementation of the programme, as specified in the programme document appended to the letter of 7 June 2019, ref. no. 985/SG/CS/2019
- The Implementing Organisation will make every possible effort to ensure timely and full implementation of the programme. No changes may be made to either the programme or its implementation without the written consent of both signatories.
- The Minister bears no responsibility or liability vis-à-vis any third party for projects or activities administered by the Implementing Organisation and carried out pursuant to this Arrangement.
3. The contribution to the programme is awarded subject to the condition that sufficient funds are made available by the budget legislator.
 4. The Minister's contribution to the programme will not exceed EUR 5.429.857 including project costs proper, programme support costs and a provision for contingencies.
 5. Funds payable to the Implementing Organisation under this Arrangement will be transferred in instalments. The first instalment of EUR 2.270.000 will be transferred to the following bank account:

Account holder name: Capacity Building to Judiciary & Prosecution project

Account number: 10 2 e

Bank name: 10 2 e, 10 2 g

Branch name: Main Branch

City: Kigali

BIC/SWIFT: 10 2 g

after receipt by the Minister of a duly signed and dated original of this Arrangement. Subsequent instalments will be transferred after receipt of a written request for payment and the relevant financial and narrative reports from the Implementing Organisation, and will take into account these reports, the progress of the programme and actual liquidity needs for a maximum of 6 months. The Implementing Organisation will send a confirmation of the received funds, which includes the conversion to RWF. The Implementing Organisation can for the duration of the project report in RWF as long as these conversions are included in the financial reports.

6. The Minister may determine the precise and definitive financial contribution to the programme following receipt and approval of the reports for the programme, as referred to at 9. The Minister's contribution will be provided only for programme activities that have actually taken place and will be based on the actual costs incurred. Accounts will be settled and any final instalment due will be transferred to the Implementing Organisation within two months after the definitive contribution has been determined.

Any funds placed by the Minister at the Implementing Organisation's disposal that are left unspent after completion of the programme will be returned to the Minister immediately and unconditionally.

If the Implementing Organisation implements part of the programme only, the Minister may adjust any outstanding instalments due to the Implementing Organisation accordingly on a fair pro rata basis or, alternatively, assign the remaining part of the contribution to such other purposes as may be mutually decided upon by the Minister and the Implementing Organisation.

The contribution to all flights under this programme are according to economy class tariffs. In addition, Terms of Reference of following trips will have been approved by the Embassy before the funds on these budget lines can be used. Drafts of ToR's must be submitted in softcopy to the contact person mentioned in article 14 for approval two months before the envisaged start date of the trips, with subject line "Terms of Reference visit <number> + departure and return date":

1. Study tour to the Netherlands for 9 judges
2. Study tour to Kenya for 13 judges
3. Study tour to Canada for 7 judges
4. Follow-up visit to Kenya for 3 prosecutors
5. Follow-up visit to Zambia for 3 prosecutors
6. Follow-up visit to Uganda for 3 prosecutors
7. Follow-up visit to Malawi for 3 prosecutors
8. Follow-up visit to USA for 3 prosecutors
9. Follow-up visit to France & Belgium for 3 prosecutors
10. Study tour to the Netherlands for 5 prosecutors
11. International Criminal Law skills (7 prosecutors) + refresher training (14 prosecutors)

7. Any interest accrued from temporary credit balances of programme funds and/or funds remaining due to fluctuations in exchange rates will be used to supplement the programme funds, in consultation with the Minister, or held at the Minister's disposal.

8. The Implementing Organisation will administer and account for the funds in accordance with its financial regulations and other applicable rules, procedures and practices, and will keep separate records and accounts for the programme.

9. During the course of the activity, the Implementing Organisation will supply several plans and reports. The Minister will monitor spending of the contribution on the basis of the narrative and financial reports drawn up by the Implementing Organisation. Table 1 shows the plans and reports required, covering what period, and a timetable. The payment of subsequent instalments depends on the activities' progress, the approval of submitted reports and on the Implementing Organisation's liquidity requirements.

The Implementing Organisation should submit these documents as PDF files to KIG-R50-QS@minbuza.nl, with a cc to the contact person named in paragraph 14.

Table 1.

Type of report	From	To	Due
Annual plan	1 July 2020	30 June 2021	1 May 2020
	1 July 2021	30 June 2022	1 May 2021
Annual narrative, annual financial and annual audit report	1 July 2019	30 June 2020	1 October 2020
	1 July 2020	30 June 2021	1 October 2021
	1 July 2021	30 June 2022	1 October 2022
Final narrative + financial report	1 July 2019	30 June 2021	1 October 2022



9.1. Annual plan/annual budget

9.1.1. Initial budget

For the first period from July 1st 2019 to 30 June 2020, the plan, budget and liquidity forecast submitted with the above-mentioned programme will form the basis for the activities to be implemented by the Implementing Organisation.

9.1.2 Annual plan/annual budget

The annual plan must contain an overview of the intended results to be achieved and the activities planned.

The annual plan/annual budget must contain an overview of the Implementing Organisation's estimated revenue (e.g. the contribution, the Implementing Organisation's own contribution, funds provided by third parties and interest accrued) and expenditure, in so far as they relate to the funded activities. As a rule, the budget should balance. The annual budget framework should be equal to the original budget framework. An explanation must be provided for each budget item that significantly differs from the original budget.

9.2. Progress reports

9.2.1. Annual narrative progress report

The annual narrative report must include an overview of the activities carried out and the results achieved, as set out in the annual plan, and an explanation of any discrepancies.

9.2.2. Annual financial progress report

The annual financial report must include an overview of all the Implementing Organisation's estimated and actual revenue and expenditure, in so far as they relate to the activities being funded, and an overview of prepayments made by the Minister in euro's and the conversion to RWF. The financial report is in RWF. An explanation must be provided for each budget item that differs substantially, more than 10% from the original budget.

9.3. (Annual) audit opinion and audit report

The Implementing Organisation will arrange for a financial audit to be carried out by or the Office of the Auditor General or an independent auditor acceptable to both the Minister and the Organisation and the Implementing Organisation. This audit will be subject to the audit guidelines established by the Minister (Appendix 1).

9.4. Final narrative report

A final narrative report must contain an aggregate overview of the activities carried out and the results achieved, as set out in the programme, together with an explanation of any discrepancies vis-à-vis the intended results. It must link up with the final financial report so that it can be seen whether human and material resources have been used efficiently.

9.5. Final financial report

The final financial report must contain the information needed to determine the definitive amount of the contribution. It must contain an aggregate overview of all estimated and actual revenue (including the contribution, the Implementing Organisation's own contribution, funds provided by third parties and interest accrued) and expenditure, in so far as they relate to the funded activities, and an overview of the prepayments provided by the Minister in euro's and the conversion to RWF. The report must cover the entire programme period and be laid out in the same way as the budget. An explanation must be provided for each budget item that differs substantially from the budgeted revenue and expenditure.



10. In addition, the Implementing Organisation will, whenever its findings warrant it, report in writing to the Minister, making recommendations, where necessary, concerning the implementation of the programme. Such a report will also be submitted if the Implementing Organisation sees fit to deviate in the implementation of the activities from what is specified in the programme document referred to at 2 or the plan of operations based thereon.

11. The Implementing Organisation and the Minister will from time to time, at the request of either signatory, exchange views through their representatives on the progress of the programme and the progress of the relevant implementing agency in implementing the programme in conformity with the anticipated schedule and programme budget.

12. The Minister may, after prior consultation with the Organisation and the Implementing Organisation, reduce or terminate the contribution to the programme. If funding is reduced or terminated, costs already incurred by the Implementing Organisation up to that date will be reimbursed and, within reasonable limits, future financial commitments entered into by the Implementing Organisation will be covered by the Minister.

13. The Implementing Organisation will cooperate in evaluations of the programme to be conducted or commissioned by the Minister. The Minister will inform the Implementing Organisation of the findings.

14. The offices responsible for coordinating all matters relating to this Arrangement are:

For the Minister:

Embassy of the Kingdom of the Netherlands

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For the Implementing Organisation:

Supreme Court

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15. The Minister may halt payment or demand repayment of all or part of the funds transferred if contractual and/or reporting and accounting obligations are not met, or if it emerges, either from the reports referred to above or from some other source, that the funds are not being used or have not been used for the implementation of the programme as approved, or if alternative funding proves to have been obtained (either wholly or in part), thus giving rise to double financing.

16. The Implementing Organisation will require that its staff and consultants deployed on projects or programmes financed by the Minister will not offer to third parties or seek or accept from or be promised by third parties, for themselves or for any other party, any gift, remuneration, compensation or benefit of any kind whatsoever, if this could be interpreted as an illegal or corrupt practice.

17. The Implementing Organisation will take appropriate measures to prevent illegal practices and/or improper behavior (such as fraud, violation of the fundamental principles of procurement rules, sexual exploitation and abuse, harassment, sexual harassment, other forms of misbehavior and/or any irregularity). In the event that the Implementing Organisation determines that there are credible allegations of illegal practice and/or improper behavior, the Implementing Organisation will take swift and appropriate action to stop, investigate and prosecute in accordance with applicable organizational regulations and applicable law any person suspected of such practice.

On a quarterly basis the Implementing Organisation will inform the Minister of any credible instances of illegal practice and/or improper behavior, as referred to in this paragraph, occurred in connection to the programme. The notice will indicate a reference number, the date of the incident, the date of the first report to the Implementing Organisation, the location (headquarters, country or local office) the nature of the misconduct, the status of the investigation and, when determined, the disciplinary measures and/or other action taken by the Implementing Organisation. On a quarterly basis the Implementing Organisation will keep the Minister updated on developments concerning the status of the investigation and, when determined, the final action taken by the Implementing Organisation. The notice will be given in writing through KIG-RSO-OS@minbuza.nl

The Implementing Organisation will promptly report any credible suspicions of, or actual instances of illegal practice and/or improper behavior, occurred in connection to the programme, that would

be of significant impact to its partnership with the Minister and/or the reputation of the Implementing Organisation and/or the Netherlands' development cooperation/foreign policy. The notice will enable the Minister to monitor whether the Implementing Organisation has followed its procedures correctly. The notice will indicate a reference number, the date of the incident, the date of the first report to the Implementing Organisation, the location (headquarters, country or local office), the nature of the misconduct, the status of the investigation and, when determined, the disciplinary measures and/or other action taken by the Implementing Organisation. The Implementing Organisation will keep the Minister updated on developments concerning the status of the investigation and, when determined, the final action taken by the Implementing Organisation. The notice will be given in writing and delivered to safeguarding@minbuza.nl.

Should the Minister conclude that the procedures are not being followed correctly and transparently by the Implementing Organisation, the Minister may suspend the contribution to the Implementing Organisation.

18. If the Implementing Organisation, other than through any fault of its own as referred to at 15, has been able to implement only part of the programme, the Minister will make a fair pro rata contribution for the part of the work that has been completed.

19. If any dispute arises between the signatories concerning the interpretation, application or implementation of this Arrangement or with regard to any further Arrangement that may result therefrom, which cannot be settled amicably, either signatory may invite the other to conciliate under the Permanent Court of Arbitration Optional Conciliation Rules, as in effect on the date of signature of this Arrangement. The number of conciliators will be one.

Signed in duplicate in the English language.

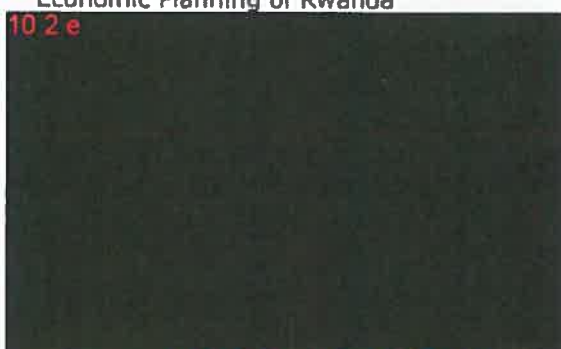
For the Minister for Foreign Trade and
Development Cooperation of the Netherlands:

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For the Ministry of Finance and:
Economic Planning of Rwanda

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Audit protocol for audit and assurance engagements

Appendix to contribution arrangement 4000002774.

1. Introduction

This protocol must be followed in auditing the annual financial statements prepared in respect of the contribution arrangement awarded under contribution arrangement 4000002774.

This audit protocol sets out the applicable audit principles and requirements and explains how the audit findings must be reported.

The external auditor is engaged by the counter party. After consultation, the Minister may request that a review be conducted to ascertain that the auditor has complied with the audit protocol.

2. Audit subject and standards

The audit subjects are:

A. the counterparty's financial statements for the applicable year;

The following standards apply to the contribution.

- Agreement awarding contribution 4000002774, including related appendices.

3. Engagements of the auditor

Part A. Auditing annual financial statements

The audit must be carried out in accordance with generally accepted auditing standards and in particular the auditing standards (*International Standards on Auditing*; ISAs) of the International Auditing and Assurance Standards Board (IAASB).

The auditor must audit the financial statements to establish that they meet the requirements laid down in section 2 of this protocol. The auditor will ascertain that:

1. expenditures and receipts are accurate and complete;
2. expenditures and receipts relate to the activities referred to in section 1 of this protocol;
3. expenditures are legitimate and comply with the criteria laid down in points a) to e).

The auditor must establish that:

- a. expenditures are corroborated by supporting documents;
- b. the organisation keeps project records and other documents such as timesheets for allocating personnel costs to projects. The auditor must also ascertain that the information in the project records agrees with the information in the financial accounts;
- c. suppliers were selected objectively and threshold amounts were respected in accordance with the EU public procurement rules laid down in EU Directives 2004/17/EC and 2004/18/EC. Where appropriate, the auditor will review compliance with local legislation, as laid down in, for example, the Public Procurement Act 2012 (as amended);

- d. tax and social insurance remittances have been made in accordance with the tax laws of the country where the organisation is established and for the period to which the audit opinion relates;
- e. invoices are settled on the basis of actual costs or lump sum amounts set in accordance with the organisation's internal policies.

The minimum reliability level for audit purposes is 95%. The auditor will accordingly plan and conduct the audit to obtain reasonable assurance that the accounts contain no material misstatements or uncertainties.

The type of opinion will be determined by the following materiality levels, based on the amount funded.

Type of audit opinion	Unqualified	Qualified	Disclaimer	Adverse
Accounting errors	See table below	≤ 6%	-	≥ 6%
Audit uncertainties	See table below	≤ 10%	≥ 10%	-

The auditor should also take account of the following permitted tolerances.

Amount funded	Permitted tolerance
Less than €1.5 million	3% of the grant amount
Greater than or equal to €1.5 million but less than €5 million	€50,000
Greater than or equal to €5 million	1% of the grant amount

The auditor determines materiality for a multiyear activity on an annual basis. The table above shows how the permitted tolerance is calculated for the costs incurred and accounted for during the year.

The auditor draws up its report in accordance with the requirements set in section 4 of this audit protocol. If the auditor detects both errors in the accounts and uncertainties in the audit, it will take them both into account when forming its opinion.

Supplementary activities to the audit are:

The auditor will not give an opinion on the narrative part of the management report but will carry out a limited review in accordance with ISA 720 (The auditor's responsibility for other information) to establish that the narrative and financial sections of the report agree with each other and contain no contradictions.

The auditor must report any information that came to its notice during the audit which is relevant to the grant provider in finalising the grant award. Findings relating to the requirements referred to in this section may be relevant to the grant provider.

4. Reporting

This section explains how the auditor must report on its activities.

Audit opinion

The auditor must issue an audit opinion on the activities described in part 3.A in accordance with the requirements of ISA 800/805. A model opinion is available on the IAASB's website.

The auditor must also devise a suitable way of identifying the financial statements it audits.





SUPREME COURT
P. B. 2197 KIGALI

Kigali, on 07/06/2019
Réf. : N° 985/SG/CS/2019

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Her Excellency the Ambassador of the Kingdom of the Netherlands of Rwanda,
Boulevard Umuganda
P.B. 6613,
KIGALI

10 2 e

Your Excellency,

Subject: Request for funding to the Project "*Capacity Building of the Judiciary and National Public Prosecution Authority/GFTU/Phase 2*"

I write once again express to our appreciation for your support to the Judiciary of Rwanda and National Public Prosecution Authority/GFTU/ to strengthen their capacity to track the extradited suspects of Genocide since December 2012;

The Justice Sector still need your support to continue enhancing the capacity building in order to attain the desired objectives;

I have the pleasure therefore to request your Excellency, a fund amounting to *Five Billion Five hundred forty million six hundred sixty-nine thousand nine hundred sixty-seven Rwandan francs (5,540,669,967 Frw)* which will be deposited on the previous project account 10 2 e opened in the 10 2 g entitled "*Capacity Building Judiciary & Prosecution Project*" for implementation of the new project 2019-2022 named *Improvement of Quality of Judgments in the Judiciary and Improvement of Quality of Investigation in Genocide Fugitive Tracking Unit/GFTU*.

I thank you again, your Excellency, for your continued support to the Judiciary of Rwanda.

10 2 e

Madam Beth MURORA
Secretary General

Cc:

- The Honourable Chief Justice
- The Deputy Chief Justice
- The Prosecutor General

KIGALI

MURORA Beth
secretary General
Supreme Court

Received by 10 2 e

07 JUN 2019

Embassy of the Kingdom
of the Netherlands

Toll free Tel: 10 2 e

www.judiciary.gov.rw

REPUBLIC OF RWANDA


 THE JUDICIARY OF RWANDA
 P.O BOX 2197 KIGALI

*Capacity Building of Judiciary and Prosecution for Extradited Suspects of the
 Genocide Project /Program 24857*

PROJECT OVERVIEW AS OF END OF APRIL 2016

Name of Project	Capacity Building of Judiciary and Prosecution for Extradited Suspects of the Genocide
Beneficiary Agencies	The Judiciary of Rwanda The National Public Prosecutions Authority
Contract Number	0115997
Program ID	24857
Date of Commencement	1 st December 2012
Expected Date of Closure	30 April 2017
Project Amount (Initial)	RWF 10 2 g
Supplementary Funding	RWF 10 2 g
Total Project Cost	RWF 10 2 g
Total Disbursement	10 2 g
Total Expenditure	10 2 g
% of Expenditure to disbursement	81%
% of Expenditure to Total Budget	78%

SUMMARY OF ACHIEVEMENTS OF THE CAPACITY BUILDING AND PROSECUTION OF GENOCIDE FUGITIVES (CBJNP)

A. The specific objectives of the project:

1. Improve the quality of judgments delivered by providing training and technical expertise, (specifically the highly experienced former ICTR staff) to enhance the quality of indictments and judgments;
2. Improve the quality of criminal justice information available to court management as well as to various stakeholders and users of the court system by enhancing the communication and information management infrastructure;
3. Strengthen Rwandan capacity for victim and witness protection,
4. Provide conducive working environment for the trial of genocide and other cases of international nature transferred from outside of Rwanda by availing appropriate physical and operational infrastructure to the newly established HCCIC.
5. Strengthen the capacity of the Genocide Fugitive Tracking Unit (GFTU) in capabilities of investigations and the compilation of case files

B. Planned activities

The project has the following activities, listed according to the components outlined.

Component 1 – Physical Infrastructure

1. Construction of an appropriate physical facility to host the HCCIC staff,
2. Provision of adequate furniture and related technical and infrastructural facilities
3. Provision of secure witness and victim protection facilities,

Component 2 – IT Solutions

1. Subscription to national available ICT resources including fiber VPN services, Virtual Hosting, web and Mail Hosting,
2. Installation of fiber backbone connectivity for the HCCIC and priority higher instance court houses which do not have high performance internet links,
3. Assorted office equipment such as laptops and scanners for HCCIC and NPPA staff,
4. Digital Court Recording Equipment for HCCIC and the Supreme Court,

Component 3 - Capacity Building and Knowledge sharing

1. Human capital development by way of curriculum development and conducting training,
2. Development of Bench Books,
3. Initiation of Law reporting by way of recruitment of a law reporting advisor

Component 4 – Technical Assistance

Recruitment of experts to provide technical assistance;

1. Two (2) Judges,
2. Two (2) Experts in legal research
3. Two (2) Court reporters
4. One (1) Prosecutor
5. Two (2) Legal Advisors
6. One (1) Information Scientist
7. One (1) Audiovisual Expert
8. Two (2) Witness and Victim protection Experts
9. One (1) Expert in Criminal Investigations.

Component 5 – Strengthening of Genocide Fugitive Tracking Unit Capacity

Strengthening of the GFTU by supporting the following activities

1. Data entry and digitization of all Genocidaires related records currently stored as physical files;
2. Recruitment of police investigators to build the capacity of the investigative teams and speed up investigations, data entry clerks,
3. procurement of vehicles and motorcycles to facilitate investigation and coordinate the logistics involved with witnesses, etc

SUMMARY OF ACHIEVEMENTS OF THE PROJECT BY COMPONENTS

IT SOLUTIONS

- Provides Broad band Internet connectivity to 34 courts;
- 571 computers both desk tops and Laptops
- 1 Server machines
- 1 project + projector screen
- 6 Multifunctional heavy duty printers
- Connected 22 courts to secure Wide area network (WAN)
- Connected to 8 primary courts to broad band fibre Internet back borne.
- Installed a Local Area network (LAN) for 8 Primary courts that have fibre Internet connectivity.
- Installed Digital court recording technologies in 6 courts and a Live streaming system in the Supreme Court and two voice and video masking systems

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Figure 1: DCRS monitoring equipment

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Figure 2: Witness protection devices

CAPACITY BUILDING AND KNOWLEDGE SHARING

Four training sessions were conducted covering International Criminal Matters and each session had close to 60 participants that include Judges, Registrars and Prosecutors. Trainings were delivered by experts from ICTR on the following topics:

- Judgment draft in international criminal matters
- Case management and emerging issues (rules of procedures in HCICC)
- International standards with regard to judging, sentencing, evidence assessment and admission.
- International Standards in Criminal Proceedings: Rwanda's Transfer Law and Fair trial Rights;

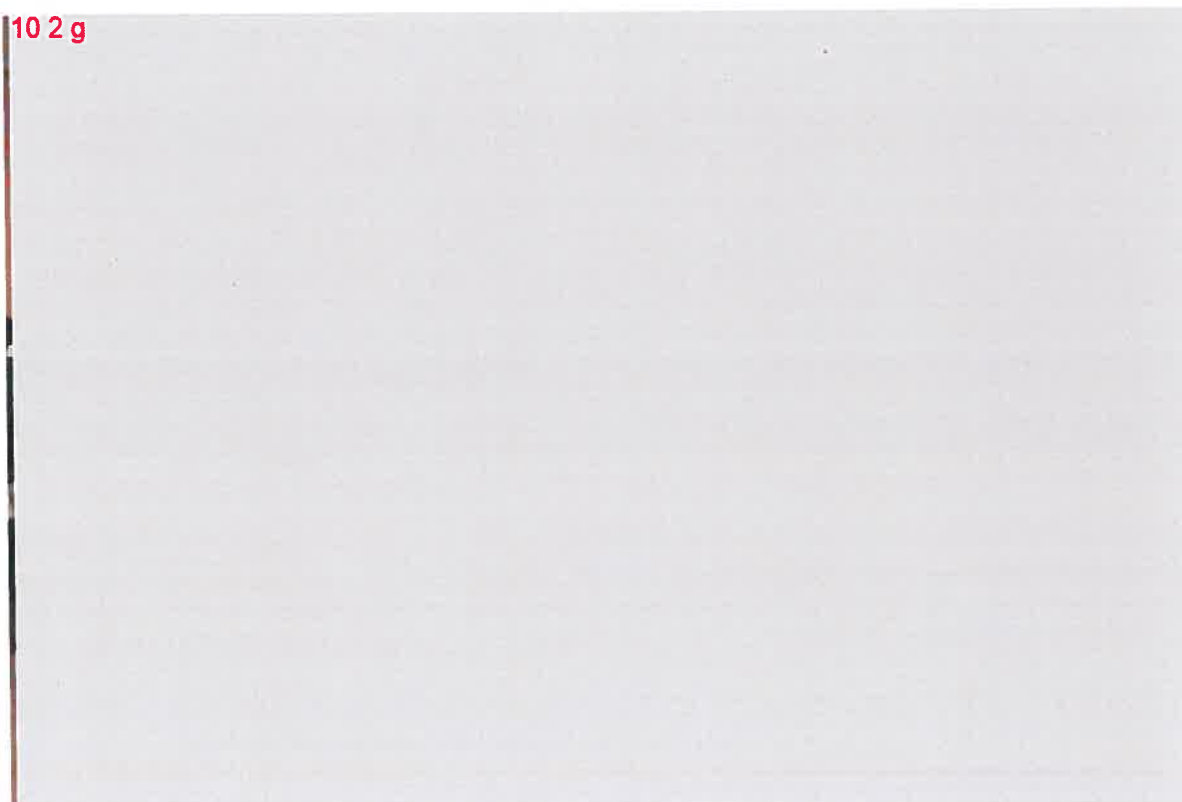


Figure 3: Judges and Prosecutors attending training at [REDACTED]

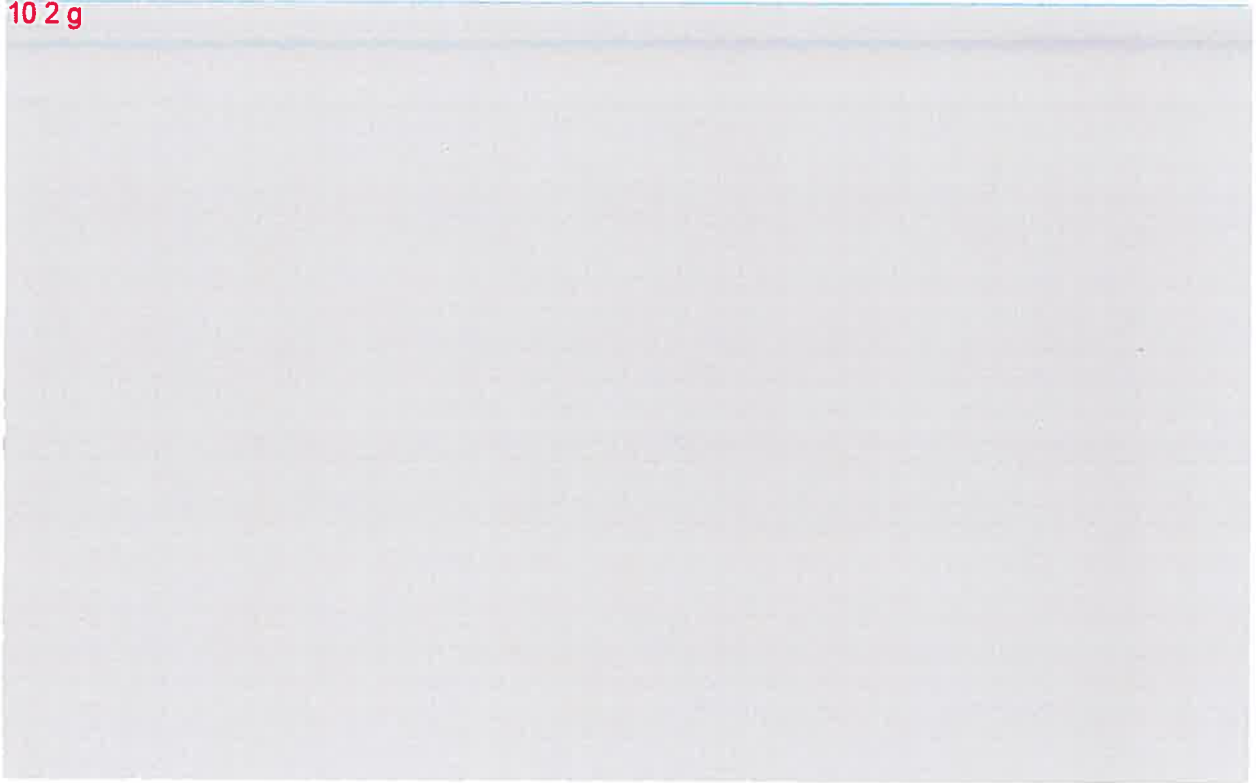
PHYSICAL INFRASTRUCTURE SUPPORT

Conducted study and produced technical documents for the construction of the Court house in NYANZA for the High Court Chamber for International Crimes (HCICC) and the High of NYANZA:

- technical studies report
- Environmental studies report
- Architectural designs and bills of Quantities

Construction works began on 26/10/2015 and are at 15% as of End April 2016

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PERSPECTIVE OF CONSTRUCTION WORKS OF COURT HOUSE AT NYANZA

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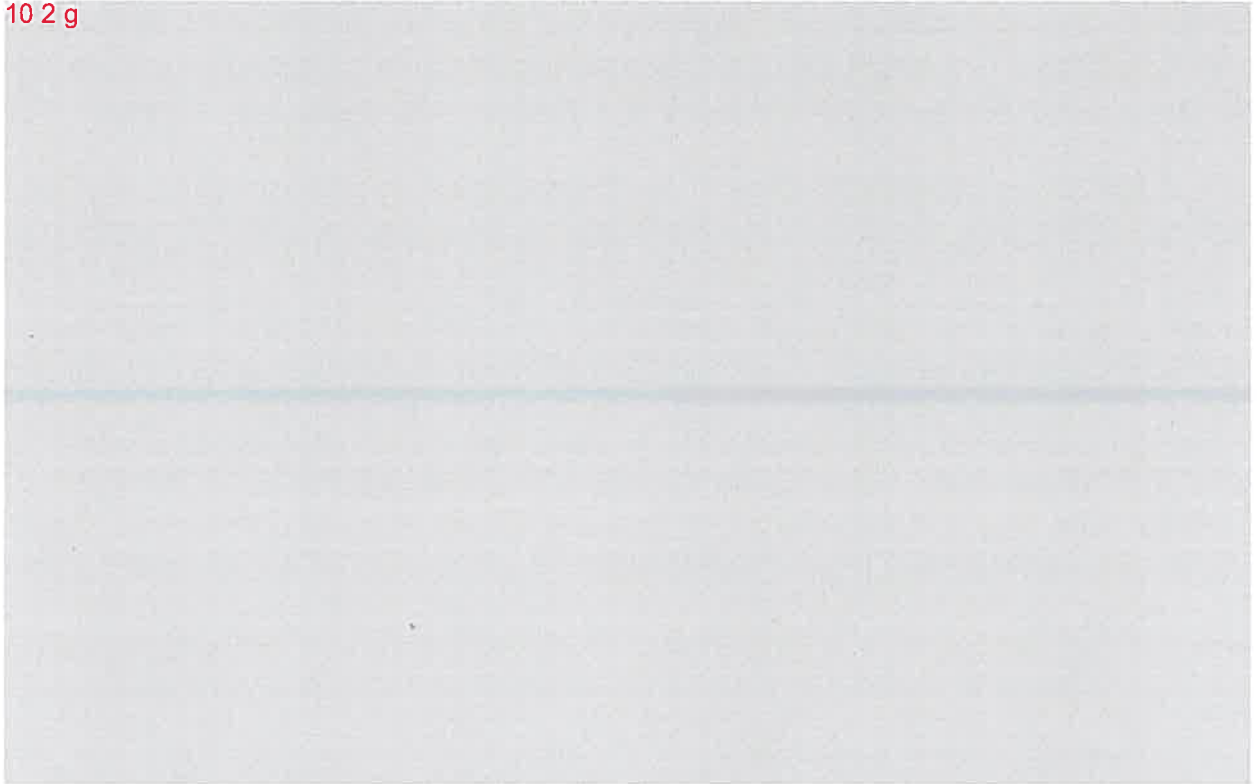
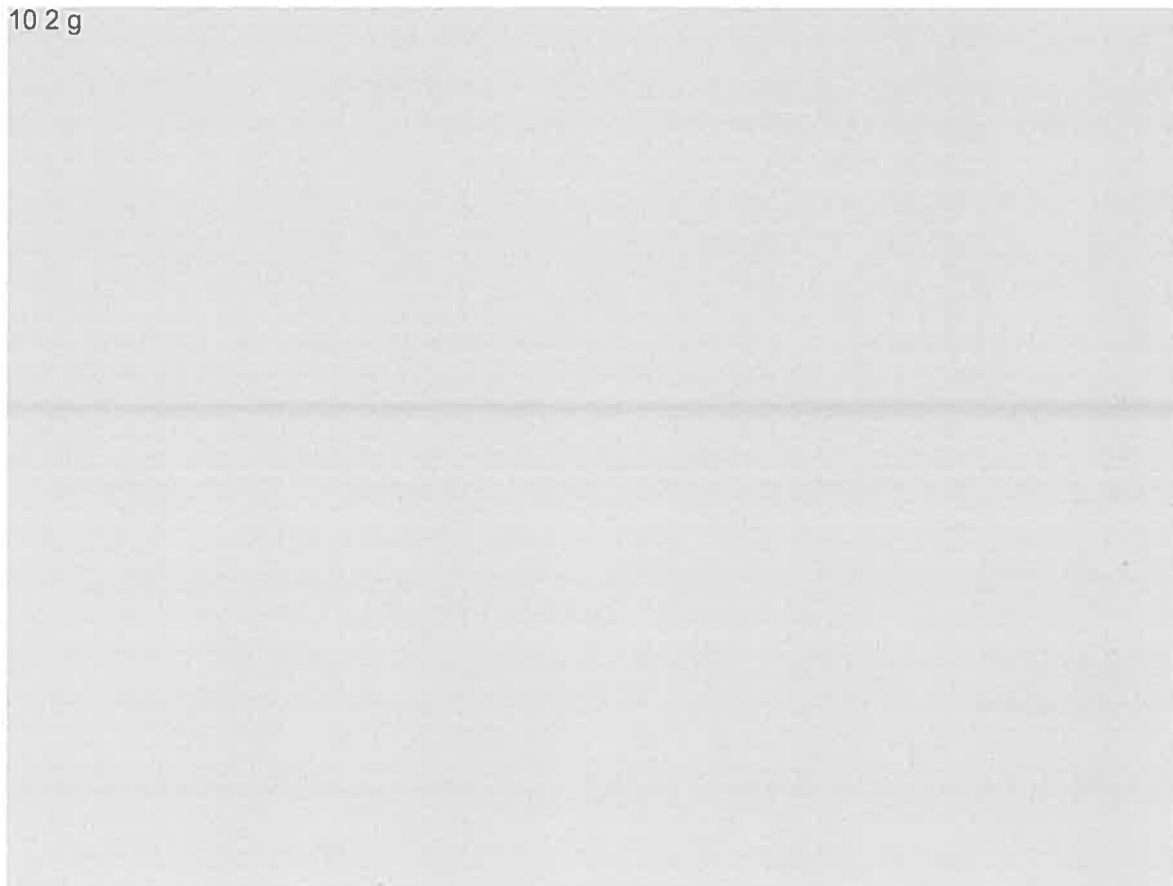


Figure 4: Onsite from right: Project Coordinator, Her Excellency the Ambassador of the Kingdom of the Netherlands, Supervision

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TECHNICAL ASSISTANCE

a) Judiciary

- Two Legal Advisors
- Two Legal Research Clerks
- One Procurement Expert is on board
- Eight Law reporters
- Technical advisor to SPIU
- Two Legal translators

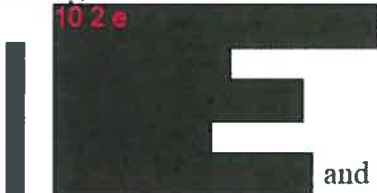
b) National Public Prosecution Authority

- One consulting law firm to the Prosecutor General
- One Legal advisor
- One Expert Translator
- Technical assistance to GFTU

The Legal experts provided support to the Supreme Court, the High court chamber for International Crimes (HCCIC) and the National Public prosecution Authority(NPPA/GFTU):
Their Support has covered the following:

- Case screening and preparation of case reports
- Judgement drafting
- Legal Opinions
- Witness and Victims protection
- Have provided legal expertise on cases of International nature that involved the following:

10 2 e



and others

In terms of prosecution

- The experts provided legal expertise in analysing case files from field investigations and prepared extradition documents to for fugitives in Foreign Countries eg.

10 2 e



and others.

In terms of preparing and producing Rwanda Law reports

- The Eight law reporters have enhanced and produced four(4) volumes of Rwanda Law reports which are produced every quarter;

Have printed and distributed over seven hundred (700) copies of the Rwanda Law reports

SUPPORT TO GFTU.

Two Vehicles were purchased by the project; the Embassy provided two Vehicles; hence project has 4 vehicles;

Project also purchased seven (7) Motorcycles

In terms of field investigations, 3 data entry clerks and 4 drivers have been hired. The project also supports 10 police Investigators; in this regards as of end December 2015:

- 600 files have been investigated
- 1620 names of conspirators have been entered into the data base.

OFFICE EQUIPMENT

N°	Description	Quantity Procured	Destination Services
1.	Wooden Shelves	10	-5 for the High Court -5 for the Commercial High Court
2.	Benches	10	Supreme Court reception for the registrar's office
3.	Witness stand	4	High Court
4.	High back executive chairs	15	14 for Chief Justice meeting room -1 for Supreme court SPIU coordination
5.	Executive office desks	2	-1 for Supreme Court SPIU Procurement office -1 for Supreme Court SPIU Coordination
6.	Lockable office drawers	10	-2 for Supreme Court logistic -1 for Supreme Court Finance directorate -1 for Supreme Court ICT office -1 for Supreme Court Administration directorate -1 for Supreme Court Internal Audit office -1 for Supreme Court Judge's office -3 for Inspection of Courts offices
7.	Secretary Computer desk	1	1 for Supreme Court SPIU Secretary
10.	Metallic shelves	6	-1 for Supreme Court Director of Finance's office -1 for Supreme Court Director of Administration's office -1 for Inspection of Courts' office -3 for Supreme Court Central Secretariat

Challenges

- Failure by the contracted firms for construction of NYANZA and supervision of construction works to due to use of fraudulent documents, which led to cancellation of contract and serious delays in completing this activity. New contracts were signed between the Supreme Court and other contractors.
- One training session on witness and victim protection was not done because the ICTR experts were not available and we are negotiating with ILPD to conduct the remaining training module and develop the HCCIC bench book
- Some budget lines had less funds allocated to them and we requested the Netherlands embassy for re-allocation and it was approved.

Implementation memo

For activities below C 25.000 for which a collective bemo is applicable

I REQUESTED DECISION CONCERNS

Application number	4000002530 / 06
Funds centre	1702U01010011
Budgetholder	KIG
Short name application	ORIA of Judiciary of Rwanda and Single Project Implementation Unit (2019) and ORIA of the Rwanda Correctional Services.
Long name application	Two organisational Risk and Integrity Assessments: one of the Judiciary of Rwanda and the Single Project Implementation Unit and the other on Rwanda Correctional Services, in the context of their project proposals.
Description application	<p>The Judiciary of Rwanda has submitted a proposal to the Embassy of the Kingdom of the Netherlands in Kigali requesting funds to improve the quality of judgment in the judiciary and quality of investigations in the GFTU. Both institutions have been supported before by the Netherlands Government.</p> <p>The Rwandan Correctional Services have also submitted a proposal to EKN. The proposal aims to strengthen the correctional system through capacity building development and the improvement of rehabilitation and reformation programs in Rwandan prisons.</p> <p>Both proposals have a value of well over the threshold for an ORIA of 1 million EUR. As a part of the assessment of the proposal of the Judiciary of Rwanda and of Rwanda Correctional Services, an Organisational Risk and Integrity Assessment (ORIA) is mandatory. The ORIA-checklist is an essential instrument when assessing the organisational capacity of the Judiciary of Rwanda and the Single Project Implementation Unit and Rwanda Correctional Services with regard to their proposal.</p> <p>The Embassy has no capacity to conduct the assessment.</p> <p>Therefore 1029 an audit firm with a proven record with regard to organisational capacity assessment has been requested to submit a quotation for these services.</p>

	<p>10 2 have submitted a quotation on 16 april 2019 with the following specification:</p> <p>EUR 10 2 g for ORIA Judiciary</p> <p>EUR for ORIA RCS</p> <p>EUR for an optional half day budgeting workshop*</p> <p>EUR</p> <p>These costs are acceptable.</p> <p>* budgeting workshop was requested as the quality of budget in excel of 28 March was poor.</p>
Amount in foreign currency	
Corporate rate	
Amount in euros	EUR 10 2 g
Start date	23 April 2019
End date	7 June 2019
Business partner	10 2 g
Number business partner	10 2 g
Legal relation	Contract
Responsible policy officer	10 2 e
Correspondence language	English
Contact business partner	10 2 e
E-mailadres contact business partner	10 2 e
<u>Special pledges made by the Minister or State Secretary / and/ or special marks regarding sensitive information</u>	NA

II OUTPUTS ACTIVITY

See Terms of Reference (attached)/

III IMPLEMENTING ORGANISATION

102 g

IV RISK ANALYSIS

N.A. for this assessment.

V PROOF OF PERFORMANCE (in principle not required)

Report of the assessment of the Judiciary of Rwanda and the Single Project Implementation Unit including the completed ORIA-checklist.

VI FINANCIERING

Contribution implementing organization and/or partner(s)	0
Ministry's contribution	102 g EUR
Total	EUR

VII PAYMENT (in principle one single payment upon signing of contract).

The fixed fee contract is based on the planned number of days worked and the hourly rates as mentioned in the quotation issued by the Contractor (excluding VAT and travel, accommodation and any other costs) and the planned expenses regarding travel, accommodation and any other costs incurred as mentioned in the quotation issued by the Contractor, see quotation.

Payment will be made after the result of the service (the report and the completed checklist) has been accepted.

VIII APPROVAL

Designation	Name	Date	Initials
Policy officer	102 e	24/4/17	102 e
Administrative officer/ RSO	Activity budget is reasonable/ realistic	YES	
	Select activity for VIC	NO	
Budgetholder	102 e	24/4/2017	

From: 10 2 e
 To: 10 2 e
 Cc: Man, Frn-de; 10 2 e
 Subject: FW: 10 2 e
 Date: dinsdag 14 februari 2017 16:10:12
 Attachments: image001.jpg
 FW: Bezoek van ambassade medewerker aan 10 2 e .msg

Beste 10 2 e,

Ter info stuur ik jullie onderstaande correspondentie door. Deze 10 2 e is zeer begaan met het lot van de door NL naar Rwanda uitgezette 10 2 e 11. Alle informatie die ik haar geef, trekt ze in twijfel. Bovendien loopt in Nederland nog een rechtszaak van 10 2 e tegen de Staat.

10 2 e en ik hebben met enige regelmaat contact met het hoofd van de Genocide Fugitive Tracking Unit van het Rwandese OM over deze zaak, en we hebben geen reden om aan te nemen dat hij ons foutief informeert. Wel heeft 10 2 e nogmaals bevestiging bij hem gevraagd dat 10 2 e in de 10 2 e gevangenis zit, aangezien 10 2 e stelt dat haar vriendin hem vorige heeft bezocht in de 10 2 g gevangenis in 10 2 e.

Toen 10 2 e vorige week Frédérique belde, dachten we in eerste instantie dat ze het over een ons nog onbekend consulaire geval had omdat ze de naam 10 2 e niet noemde, vandaar dat onze HIZ erbij betrokken werd.

In bijlage ook nog de mailwisseling die ik vorig jaar met haar had.

Hartelijke groeten,

10 2 e

From: 10 2 e
 Sent: maandag 13 februari 2017 18:42
 To: 10 2 e
 Subject: RE: 10 2 e

Geachte 10 2 e,

Hartelijk dank voor uw reactie.

U zegt dat u meermaals contact met het Rwandese Openbaar Ministerie over zijn zaak heeft gehad. Daar ben ik wel benieuwd naar, want u gaf in eerder email contact al aan dat deze contacten zeer moeizaam verlopen. Kunt u mij zeggen met wie en op welke datums u dan contact heeft gehad?

10 2 e
 9
 10 2 e
 10 2 e
 10 2 e

1029

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 2e

[illegible][illegible]

Aan: 10 2 e
Onderwerp: 10 2 e

Geachte 10 2 e ,

Ambassadeur De Man heeft mij gevraagd u te schrijven naar aanleiding van uw telefoongesprek gisteren en de notitie die 10 2 e heeft achtergelaten op de ambassade. De ambassade is de zaak van de 10 2 e in grote lijnen blijven volgen en heeft hierover meermaals contact gehad met het Rwandese openbaar ministerie. Ook is gecorrespondeerd met de Nederlandse advocaat van 10 2 e .

Op 10 2 g is inhoudelijke behandeling van de zaak gestart door het 10 2 e . Sinds 10 2 e de behandeling van de zaak gestart is, is de 10 2 e gedetineerd in de 10 2 e .

Wij volgen uiteraard ook de beroepsprocedure die de 10 2 e tegen de Staat heeft ingesteld.

Tot slot wil ik herhalen wat ik u eerder schreef: 10 2 e heeft niet de Nederlandse nationaliteit, en kan daarom niet de consulaire bijstand krijgen die Nederlandse gedetineerden in het buitenland krijgen.

10 2 e



10 2 e

Second Secretary Political Affairs

Embassy of the Kingdom of the Netherlands in Rwanda

Boulevard de l'Umuganda | PO Box 6613 | Kigali, Rwanda

10 2 e

rwanda.nlembassy.org

Facebook: [DutchEmbassyRwanda](#)

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Dit bericht kan informatie bevatten die niet voor u is bestemd. Indien u niet de geadresseerde bent of dit bericht abusievelijk aan u is toegezonden, wordt u verzocht dat aan de afzender te melden en het bericht te verwijderen. De Staat aanvaardt geen aansprakelijkheid voor schade, van welke aard ook, die verband houdt met risico's verbonden aan het elektronisch verzenden van berichten.

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resulting from the risks inherent in the electronic transmission of messages.

From: 10 2 e
To: Man. Fm-de: 10 2 e
Subject: FW: Case of 10 2 e
Date: donderdag 9 februari 2017 16:06:34

124 A

Duurde even.....

From: 10 2 e @gmail.com]
Sent: donderdag 9 februari 2017 16:33
To: 10 2 e
Subject: Re: Case of 10 2 e

Dear 10 2 e ;

10 2 e case is now in the High Court for the Appeal by the Prosecution. In the Primary Court, his Gacaca Verdict was removed on the request of the Prosecution as he was tried in Absentia so the Prosecution wanted to accord him his rights of defence.

Indeed, when the Primary Court removed the Gacaca Verdict [redacted] appealed to the Huye Intermediate Court alleging that his Gacaca Verdict remain in order for him to benefit from the provision in the law ending Gacaca activities which stipulates that a convict of Gacaca sentence whose case was tried in absentia once he comes back he seek his case to be reheard and he remains at large until the last decision of the higher court find him guilty.

So 10 2 e told court that he was never deported as he alleged that he came home on his own initiative and the Prosecution objected saying the Netherlands deported him, but the Intermediate Court ruled that there is no proof that 10 2 e was deported as there is no deportation order, and there fore ruled in 10 2 e favour to have Gacaca Verdict remain.

The Prosecution appealed against the Huye Intermediate Court ruling and the appeal is now pending fixation and hearing.

Meanwhile, the Primary Court in Nyanza had fixed the hearing of the Substantive case on 15/2/2017, but it is likely that the hearing will not take place because the High Court has not decided on the Appeal.

That is the current situation, 10 2 e is still in Prison pending the decision.

Kind regards;

10 2 e

From: 10 2 e
To: 10 2 e @minvenj.nl
Cc: 10 2 e ; Man, Fm-de
Subject: Gesprek 10 / 10 2 e
Date: dinsdag 9 augustus 2016 17:48:39

124 B

Dag 10 2 e

Vanmiddag spraken 10 2 en ik met 10 2 was zeer nuttig gesprek. Naast 10 2 e ook de uitleveringen besproken.

10 2 e

- Zijn zaak wordt behandeld door het Busasamana Primary Court in Nyanza district, in het zuiden van Rwanda. Daarom zit hij ook niet meer in de Gasabo gevangenis in Kigali, maar in de Huye/Butare gevangenis in de Zuidelijke Provincie.
- Verloop van de zaak:
 - o Mid-april verscheen hij bij rechtbankzitting zonder advocaat. Toen is de zaak met 90 dagen uitgesteld om hem gelegenheid te geven advocaat te vinden.
 - o Op 14 juli was de volgende zitting, daar is hij verschenen met advocaat, 10 2 e . Tijdens die zitting vocht 10 2 e zijn detentie aan. Hij betoogde dat hij vrijwillig naar Rwanda is gekomen en daarom volgens de wet recht heeft om zijn rechtszaak in vrijheid af te wachten.
 - o Op 28 juli deed de rechter uitspraak: 10 2 e is door NL uitgezet naar Rwanda. Hij is dus niet vrijwillig teruggekomen, en moet dus conform wetgeving gedurende het proces in de gevangenis blijven. 10 2 zal ons kopie van de uitspraak sturen.
 - o Volgende zitting is op 6 oktober om 08:00.
- 10 2 e heeft nooit om rechtsbijstand gevraagd. Zijn huidige advocaat betaalt hij zelf.

Uitleveringen:

- 10 2 legde uit hoe het proces verder zal lopen nadat 10 2 e in Rwanda gearriveerd zijn:
 - o Zij worden formeel op het vliegveld gearresteerd door de Rwanda National Police.
 - o Vervolgens overgebracht naar 1930 / Kigali Central Prison – transfer law vleugel, maar blijven formeel in politiedetentie. 10 2 overhandigt daar de verzegelde envelop met medische dossiers aan de 2 arts in de gevangenis.
 - o Politie vraagt hen of ze rechtsbijstand willen en overhandigt hen desgewenst de lijst met 68 advocaten en de politie maakt binnen 5 dagen een rapport op van de arrestatie.
 - o Vervolgens wordt een officier van justitie op de zaak gezet die binnen 5 dagen een voorlopige tenlastelegging moet formuleren.
 - o Daarna zal de Primary Court van Nyarugunga (administratieve sector waarin het vliegveld – formele plek van arrestatie – ligt) op basis van de voorlopige aanklacht van de officier van justitie (naar verwachting) besluiten dat de twee heren in 'pre trial detention' geplaatst worden.
 - o Ze blijven dan gewoon in dezelfde cel in de transfer law vleugel die ze bij aankomst in de 1930 gevangenis hebben gekregen, maar vallen vanaf dan formeel onder de verantwoordelijkheid van de gevangenisdirecteur. Ook dan pas

- krijgen ze het Rwandese gevangenenstelsel aan (roze voor personen in pre trial detentie, oranje voor veroordeelden).
- GFTU/10 2 faciliteert graag, indien gewenst door familie, bezoeken van familie/vrienden in NL. Ook faciliteert hij dat de gevangenen kunnen bellen met familie/vrienden in NL.
- Om rekening mee te houden in de planning: als hij en enkele politieagenten naar NL komen om hen op te halen, moeten ze eerst een Schengenvisum aanvragen, dat duurt altijd op zijn minst een aantal dagen.

Morgenochtend update van ICJ-Kenya, we houden je op de hoogte.

Hartelijke groeten,

10 2

10 2 e

Tweede Ambassadesecretaris Politieke Zaken

Ambassade van het Koninkrijk der Nederlanden in Rwanda

Boulevard de l'Umuganda | Postbus 6613 | Kigali, Rwanda

T 10 2 e

BZ-intern 10 2 e

M 10 2 e

10 2 e @minbuza.nl

From: 10 2 e
To: 10 2 e
Subject: 10 2 e Judgment
Date: donderdag 25 augustus 2016 14:04:46
Attachments: 10 2 e JUDGMENT.pdf
10 2 e Judgment translation.docx

124C
—

Dear 10 2

Here is the translated judgment of 10 2 e. There is also a copy of Kinyarwanda version of which the translation was made from.

Kind regards;

10 2

Decision annulling Gacaca judgement. In the name of Rwandan People Page 1

BUSASAMANA COURT OF FIRST INSTANCE SITTING AT BUSASAMANA TRYING CRIMINAL CASES IN MATTERS CONCERNING THE ANNULMENT OF GACACA JUDGEMENT, HAS, IN PUBLIC, TAKEN DECISION N°08//16/TB/BSSMANA, AS FOLLOWS:

IN THE CASE OF:

THE PLAINTIFF: The Prosecution at the Busasamana court of first instance, represented by Prosecutor NIRAGIRE Rachel

THE ACCUSED: 10 2 e alias 10 2 e, son of 10 2 e 10 2 and 10 2 e, born on 03/11/1971, in former Nyanza Cell, Rwamuramira Sector, Nyabisindu Commune, Butare Prefecture, presently Nyanza Settlement, Nyanza Cell, Busasamana Sector, Nyanza District, Southern Province, in the Republic of Rwanda, represented by Félicien NYABAGABO, advocate.

MOTIVE: Requesting the court to order the annulment of Gacaca judgement.

I. THE CASE

[1] The prosecution claims that it wrote to the court requesting the annulment of a Gacaca court decision against 10 2 e, that he is being prosecuted for genocide and extermination as crimes against humanity, that he committed those crimes in former Nyabisindu Commune presently Nyanza District, that he committed the crimes in 1994, that after passing through various countries he took refuge in the Netherlands. The Prosecution claims that after investigation by both the concerned authorities and the prosecution, international documents for the arrest of 10 2 e were issued so that he may stand trial for the crimes he is suspected of having committed; the documents were sent to the Netherlands authorities by the Government of Rwanda.

[2] The Prosecution goes on saying that later, on 21/03/2015, when the Government of the Netherlands expelled 10 2 e after refusing him residence documents because he is suspected of committing crimes in Rwanda, that on that date, the Migration department received 10 2 e at Kanombe Airport where 10 2 e was accompanied to, after being expelled by the Government of the Netherlands, that on that day he was arrested by the investigation department so that he may be prosecuted for the crimes he is suspected of committing. The investigation carried out by the Prosecution revealed that 10 2 e was convicted by the Busasamana Sector Gacaca Court having found him guilty of the crime of genocide, and sentenced him to 15 years imprisonment, based on article 8 of Organic Law N°04/2012OL of 15/06/2012 abrogating Gacaca Courts and

establishing means of settling cases that were under their jurisdiction, the Prosecution requested the court to nullify the decision that had been taken on him and to allow him to be tried in ordinary courts.

[3] Barrister NYABAGABO representing 10 2 e pleaded that the Prosecution requested for the annulment of the Gacaca judgement after filing a criminal suit and the case had not yet been settled, and that this is contrary to article 8 on which the Prosecution is basing its complaint. The other objection raised by Barrister Nyabagabo is that 10 2 e was not sent by the Government of the Netherlands to be tried, that he came on his own free will, and should therefore enjoy the rights provided for under article 9, whereby he should be released and served a writ since the Prosecution never served any writ on him, that he should have the right of review of his case as there are allegedly documents showing that he came on his own free will.

What is to be determined:

- *Whether the manner 10 2 e was prosecuted is in breach of the provisions on which the Prosecution based its request;*
- *Whether the Gacaca court decision in 10 2 e case can be annulled.*

II. ANALYSIS OF THE ISSUES OF THE CASE

A) *Whether the manner 10 2 e was prosecuted is in breach of the provisions on which the Prosecution based its request;*

- ❖ The way the request to annul the decision made by Gacaca Court was taken

[4] Barrister NYABAGABO, counsel for 10 2 e claims that the Prosecution instituted action based on article 8 of Organic Law N°04/2012/OL of 15/06/2012 abrogating Gacaca courts and establishing ways of settling issues that were under their jurisdiction; the article states: ***“Anyone sent to Rwanda by a foreign country to be prosecuted after being convicted by Gacaca courts shall be tried by a competent court in accordance with the provisions of this organic law”***, in section two of the article it stipulates: ***“however, the decision taken in his case by Gacaca courts , must be annulled by the court”***. Barrister NYABAGABO submits that the Prosecutor’s request has no merit, that the request in annulment was made after, instead of before the filing in court of the action charging 10 2 e with genocide.

[5] Counsel for the Prosecution argues that the objection is unfounded, that a letter was filed requesting that before the beginning of the trial, the issue of annulment should be examined, then the substantive case to follow, that he therefore sees no breach of the rules since the trial has not yet commenced, and [counsel for defence] should not therefore claim that [his client] is going to be tried twice when there is no trial going on.

[6] The court finds that though Barrister NYABAGABO argues that the Prosecution's action was filed before the request in annulment was made, he admits that the Prosecution's letter requesting the annulment of the Gacaca court's judgement is in the case file, and the court finds that it received the complaint as well as the letter requesting that the Gacaca court decision on 10 2 e should be annulled before the commencement of the trial as can be seen in the brief accompanying the letter¹, and therefore finds that claiming it is a case of two trials for one charge is unfounded, therefore Barrister NYABAGABO was in breach of article 3 of Law N°15/2004 governing procedure and evidence which provides that *it is incumbent on each party to show the truth of its allegations*, because he does not produce the decision of the Busasamana Court of First Instance on the genocide charge which the Prosecution filed in the court or in some other competent body as provided for in the above-mentioned article 8, and show there is an outstanding decision made by Gacaca court.

[7] The Court therefore finds that as long as a case has not been tried on merits, there is nothing that would prevent the request in annulment of the Gacaca decision from being examined, as the article does not mention anywhere that the request in annulment of the Gacaca decision must precede the filing of a case, or they must be done simultaneously or even one must precede the other, what is essential is that there should not be trial of a case on merits while another case is on trial, which would be in breach of the principle of "*non bis in idem*" which provides that "*A person shall not be punished twice for the same offence*" and this is not applicable since the trial on merits of the case filed by the prosecution has not taken place, the letter requesting the annulment of the Gacaca decision was filed before the trial and it requested that these procedure should be examined before the trial on merits, and therefore the Court finds the objection whereby there was no request in annulment of the Gacaca decision unfounded.

❖ **Determining whether 10 2 e came on his own free will.**

[8] Barrister NYABAGABO, counsel for 10 2 e claims that the Prosecution filed a case based on article 8 of the above-mentioned Organic Law N°04/2012/OL, the article mentions someone sent by a foreign country to stand trial, but according to the Prosecution, the person he is representing, 10 2 e alias 10 2 e was not sent by the Netherlands, [Nyabagabo] claims that the Prosecution does not show that 10 2 e was sent to Rwanda to be prosecuted, that he came on his own free will, that therefore the Prosecution's request should be thrown out, that instead, article 9 of that law should be applied, it stipulates that "If a person has been accused and tried by Gacaca Court and convicted while he was abroad, on his return, when it is clear that he had not escaped justice, he may have a review of his sentence pronounced in absentia, by a court having the jurisdiction to try such an offence as

¹ See quote 296-298 of the case file.

provided by this organic law, therefore his client should be released, served with the decision made on him by the Gacaca Court, and be allowed to have his case reviewed.

[9] The counsel for the Prosecution says that 10 2 e did not come on his own free will, that in the case file there is a letter from the Ministry of Foreign Affairs showing the request made by the Government of Rwanda, also on quote 30, there are statements made by 10 2 e himself, whereby he says he was staying there without official residence documents, he (counsel for the Prosecution) goes on to say that he (10 2 e) was not given the documents because he was a wanted person. The Prosecution also showed that the document on which he travelled was a laissez-passer instead of a passport contrary to 10 2 e claim that he travelled on his own passport, also, in a letter dated 14/07/2016, the Prosecution sent to the court documents dated 09/03/2015, showing that 10 2 e did not come on his own free will (Repatriation and Departure Service; Ministry of Security and Justice of the Netherlands); Not voluntary (his repatriation).

[10] The Court finds that though the documents were sent to the court after objection was made against the trial, and it was not proved that the accused was notified, it also finds that counsel NYABAGABO and his client deliberately ignore the way 10 2 e returned when they claim that he came on his own free will, but the statements he made at various interviews by the investigators and prosecution show that he was residing in the Netherlands illegally; there is also a document on quote 34 and an international arrest warrant which can be seen on quote 35 to quote 47 in the case file; all these documents were prepared on 12/01/2015, before 10 2 e was sent to Rwanda because he was sent and he arrived in Rwanda on 21/03/2015 although he claims he came on his own free will. In addition to this, there was a document he tendered which can be found on quote 5, which he called "handover sheet" which shows his travel document [to Rwanda] (certificate of identity n°25/REHAGUE1015), on this document, the reason for apprehending him is indicated as follows: "Reason of arrest/holding him: **illegal stay**," this shows that he did not return on his own free will. The Court therefore finds that claiming that he was not sent to stand is unfounded since the documents and oral statements show that he did not come on his own free will, therefore the fact that he did not come on his own free will is in consonance with article 8 on which the Prosecution based itself to request for the annulment of the Gacaca decision and for the accused to be tried by ordinary courts.

[11] The court finds the request that the case should be based on article 9 unfounded as the above explanations have shown that he did not come on his own free will but was sent by the Government of the Netherlands at the request of the Government of Rwanda, the Court finds unfounded the request that the documents mentioned above, including the international arrest warrant should be ignored because they were not served on 10 2 e since neither counsel NYABAGABO nor 10 2 e do not deny the existence of those documents so that they may be annulled as in accordance with their request, the documents would be fake, this is in consonance with the explanation of the prosecution that being refused official documents was due to the fact that the

Government of the Netherlands had been informed by the Government of Rwanda that 10 2 e was a wanted person and those are the circumstances under which he returned, therefore the fact that it is evident that he did not come on his own free will, which is the reason why article 9 above cannot be invoked, although the Prosecution says that he knows the Gacaca decision, the claim that the accused was not notified of it is not worth examining since the objection that he was not sent by the Government of the Netherlands is unfounded. Therefore the court finds that the way 10 2 e was sued to court is not different from the one on which the Prosecution based its request and which counsel for the accused alluded to while spelling out the above-mentioned objections.

B) To determine whether the Gacaca court decision in 10 2 e case can be annulled.

[12] The Prosecution submits that after 10 2 e alias 10 2 e was expelled by the Government of the Netherlands, investigation was carried out and it was revealed that he was convicted of the crime of genocide by the Busasamana Sector Gacaca Court and was sentenced to 15 years imprisonment, the Prosecution further submits that pursuant to article 8 of Organic Law N°04/2012/OL of 15/06/2012 abrogating Gacaca courts and establishing ways of settling cases that were under their jurisdictions, and requests that the decision made in his case should be annulled, and the accused to be tried afresh in ordinary courts.

[13] Counsel for 10 2 e Barrister NYABAGABO argued that the request should not be received because the application for the annulment of the decision was made after the action against him for crimes of genocide was filed in court whereas it should have been done before. The Prosecution argued that an application in annulment is not illegal if the case has not yet been tried on merits.

[14] Based on the above-mentioned article 8 in number 4 of this case, the Court notes that 10 2 e was tried by Gacaca court and sentenced in absentia², it also notes that the reason for his absence from trial was that he had fled from the country, based on the fact that he was wanted by the Government of Rwanda and was sent by the Government of the Netherlands as explained above, the Court finds that the decision taken in his case by the Busasamana Sector Gacaca court should be annulled and he should thereafter be tried in ordinary courts in accordance with the above-mentioned article; it therefore finds that since the above-mentioned objections requesting that the Prosecution's application be rejected is unfounded as has been explained, nothing would bar that application for the annulment of the Gacaca court decision, then the trial would take place afterwards for the trial on merits of the crime of genocide has not yet commenced.

² See quote 235 to 256 in the case file, there are Gacaca court index cards of the accused, in this case 10 2 e alias 10 2 e : there are also minutes of 26/02/2008 trial.

III. THE COURT'S RULING

The Court:

[15] Hereby confirms that the way [REDACTED] was sued to court is not in breach of the provisions on which the Prosecution based itself to file its application.

[16] Hereby confirms that the decision made on [REDACTED] alias [REDACTED] by the Nyanza Sector Gacaca Court on 26/02/2008 for joining attack groups and manning roadblocks whereby he was sentenced to fifteen (15) years imprisonment is hereby annulled.

[17] Hereby decides that case RPGEN 0002/TB/BSSMANA shall be heard on 06/10/2016 at eight o'clock in the morning

[18] This ruling has been read before 28/07/2016, date previously fixed, because the judge had lost a family member and had to attend the burial on that day.

IT IS SO RULED AND READ IN PUBLIC TO-DAY 27/07/2016

[REDACTED] [Signed] **GIRANEZA Clémentine [Signed]**

CLERK

JUDGE

Certified true copy

Issued to-day 12/08/2016

Clerk: TANGIMPUNDU Alphonsine [Signed]

From: 10 2 e
To: 10 2 e
Subject: Re: Meeting/information case 10 2 e
Date: donderdag 4 augustus 2016 16:43:51
Attachments: ~WRD000.jpg
image001.jpg

124 6

Thanks, that sound better.

Regards;

10 2 e

On Thu, Aug 4, 2016 at 4:08 PM, 10 2 e <[redacted]>@minbuza.nl> wrote:

Dear 10 2 e,

Thank you very much for your message and the update in the 10 2 e case.

Thank you for the opportunity to meet you next week, I would be very happy to pass by your office to briefly explain to you what the developments are in this case and maybe ask you some more info on this case as I have received another question from The Hague. I would like to come Tuesday at 2pm if that timeslot is still available, I will not take too much of your valuable time.

Best regards,

10
2



10 2 e
Second Secretary Political Affairs

.....
Embassy of the Kingdom of the Netherlands in Rwanda
Boulevard de l'Umuganda | PO Box 6613 | Kigali, Rwanda

.....
T 10 2 e

M 10 2 e
10 2 e @minbuza.nl

10 2 e

Facebook: DutchEmbassyRwanda

From: 10 2 e [REDACTED]@gmail.com]
Sent: woensdag 3 augustus 2016 07:54
To: 10 2 e [REDACTED]
Subject: Re: Meeting/information case 10 2 e [REDACTED]

Dear 10 2 e [REDACTED];

Sorry for the response delay, the email went in the junk box and hid there.

Yes 10 2 e [REDACTED] is on trial at the Primary Court of BUSASAMANA in Huye District in Southern Province.

The case is advancing in its substance and 10 2 e [REDACTED] was last in court in Mid July and while in court he brought up a Preliminary Objection arguing that he was not deported but rather voluntarily brought himself to Rwanda and therefore he should not have been arrested and placed into custody.

He was challenging the legality of his detention, and the prosecution had to prove that he was deported from Netherlands as opposed to what he was telling court, the court is yet to pronounce a decision on this preliminary objection, but otherwise the case is court and objections are part of the trial.

Please feel free to ask any other questions if you have them. If the lawyers in Netherlands have some legal questions relating to how deportees and extraditees are treated upon arrival in Rwanda, I am happy to assist in that providing some responses concerning their questions and what our laws stipulates.

I would happy to receive you at my office next week, Tuesday between 9 a.m and 11. am or 2.pm to 3pm.

Kind regards;

10 2 e [REDACTED],LLM

National Prosecutor & Head of Genocide
Fugitives Tracking Unit(GFTU)

National Public Prosecution Authority

P.O BOX 1328 Kigali-Rwanda.

On Mon, Aug 1, 2016 at 5:15 PM, 10 2 e [REDACTED]@minbuza.nl> wrote:



10 2 e [@minbuza nl](#) added themselves to [your Guest List](#) [Remove them](#) [Block them](#)

Dear **10 2 e**,

In absence of **10 2 e**, I am taking over his justice related work in the Dutch embassy.

My ambassador has met last week with the Prosecutor General and with you on the case of **10 2 e**. My apologies for again asking your attention for this case.

I would like to seek your assistance in getting information on where the court case against him in Rwanda stands now. I have heard the trial in substance still has to start, but I have not had a confirmation on this. Any information on the current state of affairs in his case would greatly help the attorneys of the Dutch government who are working on the matter. Could you maybe give me an update or point me to someone within the NPPA who is up to date on this case?

I am more than happy to come to your office at your convenience.

Again, please accept my apologies for bothering you yet again on this matter.

With kindest regards,

10 2 e



10 2 e
Second Secretary Political Affairs

Embassy of the Kingdom of the Netherlands in Rwanda
Boulevard de l'Umuganda | PO Box 6613 | Kigali, Rwanda

T **10 2 e**

M **10 2 e**
10 2 e [@minbuza nl](#)

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TRAINING PROGRAMME ON INTERNATIONAL CRIMINAL LAW FOR RWANDAN DEFENSE LAWYERS

FINANCING PROPOSAL TO THE EMBASSY OF THE KINGDOM OF THE NETHERLANDS IN KIGALI, RWANDA

February 20, 2017

1. INTRODUCTION

This document is a proposal from the International Development Law Organization (IDLO) to the Embassy of the Kingdom of The Netherlands in Kigali (EKN), Rwanda, to request the funding of a Project to develop and deliver a training programme aimed at strengthening the capacities of a select group of Rwandan defense lawyers, members of the Rwanda Bar Association (RBA), on matters relating to International Criminal Law (ICL). The proposal provides the framework for the development and implementation of the training programme. The aim is to develop the training programme in close collaboration between IDLO, the RBA, and targeted defense lawyers. For this purpose, the Project includes an inception period, during which a full assessment of needs will be conducted and, at the end of which, the fully-developed training programme and planning will be presented. With a view to sustainability, appropriate efforts will be made both to ensure that the knowledge acquired by the trained defense lawyers can be kept up to date, and to build local capacity to administer the training programme to new defense lawyers in the future.

DASHBOARD	
1. Title	Development and delivery of a training programme on international criminal law for Rwandan defense lawyers
2. Location	Rwanda
3. Implementer	International Development Law Organization (IDLO)
4. Donor	Embassy of the Kingdom of The Netherlands in Kigali, Rwanda
5. Objective	Strengthened capacities of targeted Rwandan lawyers to rely on international criminal law and jurisprudence to defend suspects of genocide, crimes against humanity or war crimes
6. Key Outputs	<ol style="list-style-type: none"> 1. Inception report (including training needs assessment) 2. Training Component 1: Principles of ICL 3. Training Component 2: Substantive aspects of ICL 4. Training Component 3: Procedural aspects of ICL 5. Report with recommendations for follow-on activities, mentoring, and monitoring results (including ToRs for refresher course)
7. Alignment with IDLO's Strategic Plan 2017-2020	Relying on IDLO's core competency of strengthening capacity and integrity of institutions to deliver justice and protect rights (SP outcome level change S1)
8. Builds on Existing IDLO efforts	<ul style="list-style-type: none"> ▪ Justice Training Transition Programme in Afghanistan ▪ Regional Seminar on International Criminal Law and the ICC for Defense Counsel and Other Legal Professionals in Senegal

9. Budget	EUR 250,000
10. Duration	April 1 – December 31, 2017

CONTACTS

IDLO primary contacts for purposes of communication with the Embassy of the Kingdom of Netherlands in Kigali with respect to this Project are:

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This document is structured as follows. First, Section 2 outlines the background to the Project, demonstrating the need to further strengthen the capacities of select Rwandan lawyers to rely on international criminal law and jurisprudence to defend suspects of genocide, crimes against humanity or war crimes. Section 3 goes on to outline the main features of the high quality training programme that IDLO will develop to respond to the needs identified. Section 4 provides an overview of IDLO's experience in developing and delivering similar training programmes. Finally, Section 5 sets forth the human and financial resources to be allocated to the Project.

2. BACKGROUND

Ensuring that genocide suspects who, after 22 years, still remain at large and exiled in different countries around the world, are brought to justice on Rwandan soil is a major priority for the Government of Rwanda (GoR). In recent years, in a reflection of the progress made in the implementation of a comprehensive programme to reform and modernise the Rwandan justice sector, a deal was struck for the International Criminal Tribunal for Rwanda (ICTR) to transfer cases to be tried under Rwandan jurisdiction, and courts in a small, but significant, number of countries, including Canada, Norway, and The Netherlands, have agreed to extradite genocide suspects to Rwanda. To deal with these cases, Rwanda's Superior Council of the Judiciary established a Special Chamber for International Crimes at the High Court in Nyanza.

The cases that are being tried by the Special Chamber, including two involving suspects extradited by The Netherlands in the fall of 2016, will be closely monitored by the general public, media, lawyers, scholars and policy makers in Rwanda and abroad, as well as by human rights groups. It stands to reason, also, that courts, particularly in Europe and North America, who will be asked to rule on requests for extradition of some of the 500 plus suspects still pursued by the GoR's Genocide Fugitive Tracking unit (including around 130 suspects who have been indicted or are subject to an arrest warrant), will closely scrutinise the records of these proceedings and the resulting rulings.

It is, therefore, in the interest, not only of the accused, but equally of the victims involved in cases where suspects still need to be extradited and the Rwandan people and Government more broadly, that the court, prosecution and defense counsel, are fully prepared to handle these cases in accordance with applicable principles of Rwandan and international law. In particular, the cases in question are likely to involve issues and questions of law novel to Rwandan jurisprudence or subject to emerging domestic case law, to which ICL and, especially, the jurisprudence of the ICTR (and, to a lesser extent, the International Criminal Tribunal for Yugoslavia) speak in considerable detail. The objective of the training programme is to ensure that Rwandan defense lawyers that have been

accredited to the Special Chamber continue to have state-of-the-art and actionable knowledge of relevant aspects of ICL that they can rely on in their work in service of the court.

It is important to highlight that the proposed training programme is not conceived as an effort to address any enormous gap in the capacities of Rwandan defense counsel, rather it responds to the RBA's need for continuing legal educating (CLE) on the complex and evolving field of law that is ICL. The need for such a training programme is consistent with legal standards that require lawyers in other jurisdictions, including in the Netherlands, to remain up to date on the most recent developments in the field that they practice. In line with this, the training programme IDLO will develop, deliver, and hand over, and will be made a part of the RBA's continuing legal education programme. It will be mandatory for the lawyers on the roster of the Special Chamber of the High Court to take this course, unless special exception is provided by the RBA.

3. APPROACH TO THE DEVELOPMENT AND DELIVERY OF THE PROGRAMME

Given the importance of the cases to be handled by the Special Chamber and of ensuring that defense lawyers arguing before the court are fully conversant with current principles of international criminal law and jurisprudence that impinges on the cases of the suspects they represent, the training programme to be developed and delivered will be of the highest quality. In particular, this means that it will (1) be responsive to the existing needs, that is tailored to both the cases to be handled and the areas in which the capacities of the targeted defense lawyers need strengthening, (2) reflect the state-of-the-art in terms of current critical thinking on ICL, and (3) be inspired by tried and tested approaches to adult learning in the field of professional legal education.

Inception phase

To ensure that the training programme is carefully tailored to existing needs, an inception phase is foreseen, during which IDLO will work together closely with RBA representatives. This inception phase, covering the first 3 months of the Project, will involve:

- Desk study – The study will include an in-depth review of relevant national (Rwandan) case law, and particularly of the Special Chamber, an analysis of the likely features of upcoming cases, and a review of a selection of relevant ICTR case law to draw parallels and lessons learnt.
- Inception missions – IDLO will conduct two inception missions, one by the IDLO Programme Manager to further relations with the RBA (see below where sustainability is discussed), and a second one led by the Lead Consultant, to undertake a training needs assessment and conduct a training programme design workshop.
- The inception mission led by the IDLO Programme Manager to consult with the RBA will involve in-depth interviews with individuals from the RBA, selected lawyers on the roster, a member of the Special Chamber, and representatives from the prosecution authority.
- In addition, IDLO during the second mission led by the Lead Consultant, will organize a half-day meeting with the entire group of lawyers, to engage with them on their experience/needs, and to allow the RBA to introduce the upcoming programme.
- During the inception missions, IDLO will assess sustainability measures, including consider whether an additional Training of Trainers would be required. The inception missions will also consider how to strengthen the capacity of curriculum design.
- Inception report – Following the inception missions, IDLO will present the final, fully-developed training programme, outlining the detailed implementation plan, to the EKN.

As mentioned, the inception phase is meant to establish/further relations and gather information needed to ensure that the training programme is fully-tailored to the needs. This may mean that, as needed, minor adjustments could be made to the training programme and approach set out in

this document. It should be noted, however, that it will not lead to changes to the budget, as set out in Section 5.

Training Methodology

IDLO has fine-tuned a participatory and problem-solving training methodology suited to the needs of adult learners, particularly those in the legal sector. The underlying assumption is that adult learners are self-directing and come to the training room with specific professional needs that must be addressed during the training event. IDLO's training methodology is, therefore, tailored to the professional requirements of each given group of beneficiaries, who, at the end of the event, must be able to demonstrate enhanced knowledge and skills that will enable them to properly and effectively carry out their work. In order to achieve this ambitious objective, IDLO has developed an approach to training, consisting of a number of steps and actions that are carried out before, during and after the training. Each step is aimed at increasing the level of retention of adult learners and at providing them with the precise expertise they need to perform their daily duties.

The training programme as aforementioned is conceived of as part of continuing legal education, and not as an attempt to bridge any perceived enormous gap in knowledge. As a result, the training programme will follow IDLO's teaching methodology, focusing on fostering knowledge uptake through argumentative dialogue and questioning between trainer and trainees, stimulating critical thinking, and seeking to draw out ideas and underlying assumptions.

The training programme will also be highly practice-oriented. This has significant implications. First, it means that the training will not focus on expounding the general theory of ICL, but will be designed on the basis of an analysis of directly relevant ICL jurisprudence, notably of the ICTR, to ensure that it contributes tangibly to strengthening trainees' capacity to defend cases brought before the Special Chamber.

Second, the orientation towards practice means that significant attention will be devoted in the training programme to case simulations and moot court exercises, which foster, not only internalisation of knowledge, but - crucially - the ability to apply it. Case simulations and moot courts will be approached as group exercises, since effective defense counselling will often depend critically on good teamwork.

Practical Considerations

The above reflections on the approach of the training programme mean that preparation and participation by trainees (targeted defense lawyers) will be essential to the success of the training programme. It is a reality, of course, that the lawyers accredited to the Special Chamber are very busy, and many have a thriving law practice to attend to, with which the training programme should interfere as little as possible. To lessen the burden of the training, it is proposed to divide it up into blocks that are spaced in time (concretely, three blocks of five days each spread out over seven months of time).

Another practical matter to be considered is the number of persons who will need to undergo the training. IDLO understands there to be 68 lawyers currently on the Special Chamber's roster who would be invited to undergo the training. The type of tailored and practice-oriented approach that IDLO promotes can only work in fairly small groups of up to 23 persons. This means that to train all accredited lawyers, three groups would have to be created and a total of 15 weeks of training would be needed (again, spread out over seven months) to complete the Project.

The RBA training calendar is a critical consideration, given that the proposed programme is part of the RBA's CLE programme and, therefore, mandatory. This means that lawyers can ask the court for a postponement or arraignment of any cases they have pending for the weeks when they will be participating in the training programme. This will help boost attendance and participation. It is envisaged that the RBA will include the proposed training programme within its training calendar for 2017. Significantly, IDLO will also engage with the RBA on the credits and certification to be provided for undertaking the training.

Gender Considerations

In designing the training programme, IDLO notes that the RBA strives for a membership composed of at least 30% women, as required by Rwandan law. The RBA has, however, to-date not yet achieved this quota, and currently has women membership at 27%. This percentage is reflected in the roster to the Special Chamber with 16 women lawyers accredited out of the total 68 lawyers. The training programme will be designed in such a way as to ensure that the female members of the roster are able to actively participate. This participation will be ensured by including the members in moot court exercises and other practical sessions during the training. Most importantly, in the substance of the training programme, gender considerations will be taken into account given the likelihood that most of the victims of the transferees will be women. The substance of the training programme will be tailored towards the provision of skills enhancement to deal with instances of cross examining victims of trauma so as to avoid re- victimisation of witnesses and victims. Gender considerations and victim sensitivity will be key elements of the proposed training programme.

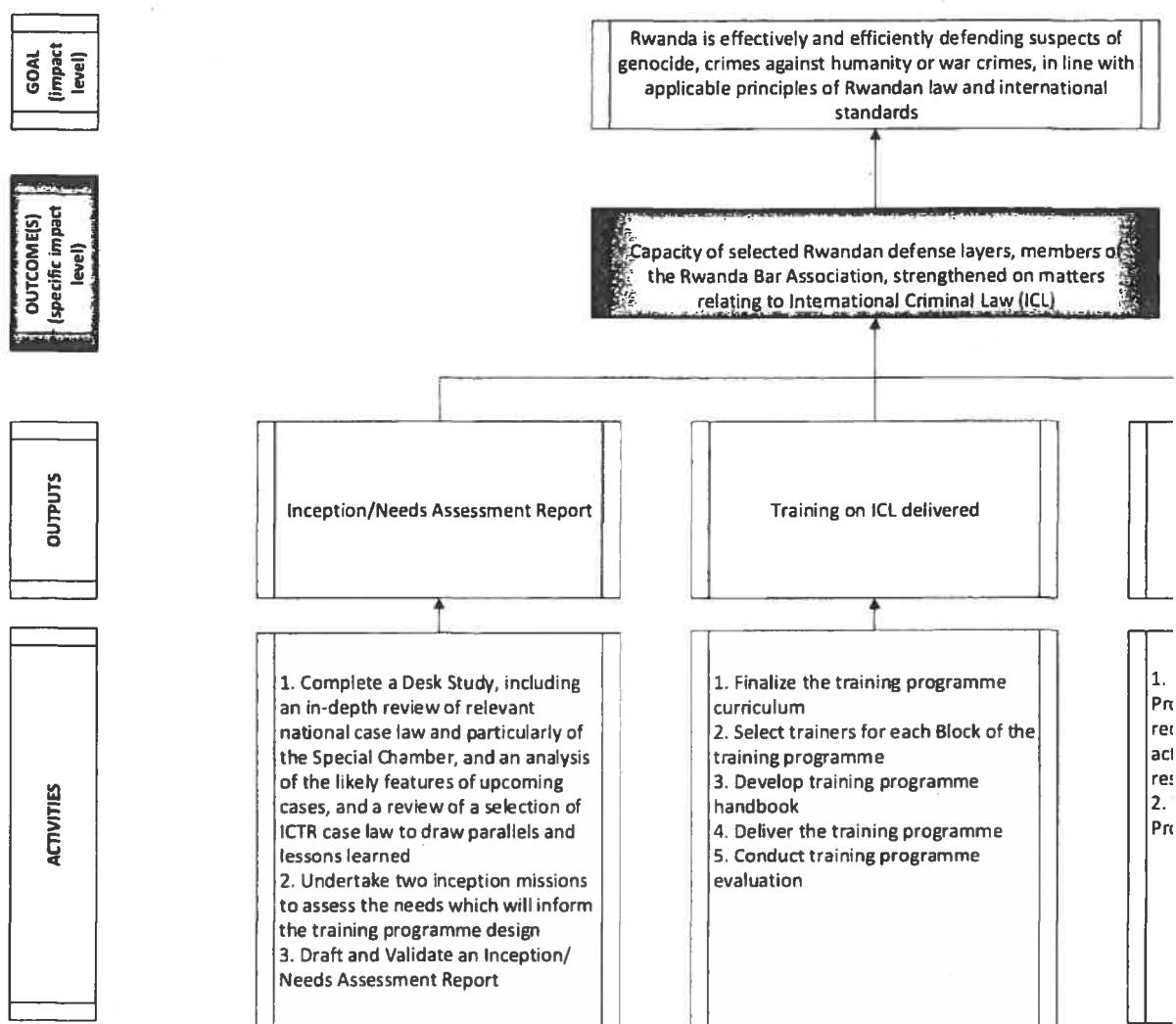
Substance of the Training Programme

From a content perspective, the main features of the training programme, to be further developed during the inception phase, are the following:

- Block 1 - Relevant principles of ICL - including an overview of substantive ICL, principles of right of fair trial, and the role of the defense, with emphasis on the relevant ICTR and other tribunals' practice and case law;
- Block 2 - Relevant substantive aspects of ICL - including a discussion of applicable laws and elements of crimes, with case simulations; and
- Block 3 - Relevant procedural aspects of ICL - including a discussion of modes of liability, various defense strategies (evidentiary, factual, and procedural defenses), with case simulations and moot court exercise.

In determining the substance of the training programme, the actual needs of lawyers on the Roll in respect of current and emerging trends on ICL will be considered. The training programme is not intended to be a generic standard teaching programme, but an actualisation of current needs to enhance skills. Significantly, given that the majority of the lawyers are French speaking, the training programme and materials will be delivered in French.

Project Logic Model



RISK REGISTER - External Risks related to Results Achievements

Risk#	Risk Description	Likelihood	Impact	Score	Mitigation in Place	Mitigation Required	Owner
1	Non- functional local Bar Association	1	1 RBA structures are set and functional	2	Government commitment and support for RBA activities	Ongoing dialogue to ensure continued Government commitment to RBA activities	IDLO / RBA
2	High expectations from lawyers	5	5 Overwhelming demand of skills training from RBA	10	Inception workshop to determine needs and properly introduce programme	Ongoing dialogue with RBA and information-sharing to clarify expectations and Programme objectives	IDLO / RBA
3	Non-participation of lawyers in training programme negatively impact the number of lawyers participating	3	3 Lawyers on Roll have practices and might not be inclined to participate for entire duration of training.	6	Inclusion of the training programme on the RBA training calendar to allow lawyers postponement of cases in court.	Regular engagement with RBA to ensure programme does not conflict with lawyers practices.	IDLO/ RBA
4	Delays in training programme implementation	4	3 Delays in recruitment of appropriate trainers slows the planned training activities	7	IDLO has developed draft TORs for Lead Consultant and trainers	RBA to be consulted on prospective trainers	IDLO/R BA
5	Request for payment/compensation from lawyers being trained	3	3 Less lawyers might be inclined to be trained without being paid to attend.	6	Agreement with RBA on DSA to be paid for participation in trainings	Continued engagement of RBA on DSA and support to participants for attendance, including transport costs.	IDLO

Risk#	Risk Description	Likelihood	Impact	Score	Mitigation in Place	Mitigation Required	Owner
6	Limited political commitment to conduct training programme.	3	4 Training programme is seriously compromised due to political considerations	7	RBA is well respected by the Government and the political will to support its work exists	IDLO continues to engage with RBA during the implementation of the training programme	IDLO/RBA
7	Follow through on recommendations from monitoring and reviews is inconsistent, and renders the monitoring and accountability framework irrelevant	3	3 Weak integration of lessons learned and feedback in the planning process reduces the impact of the training programme	6	Review meetings	Strengthen programme planning processes to ensure incorporation of recommendations from the review and follow-up of training sessions	IDLO/RBA

RISK REGISTER – Risks related to Management Issues

Risk#	Risk Description	Likelihood	Impact	Score	Mitigation in Place	Mitigation Required	Owner
1	Corruption and financial mismanagement of funds	1	3 Potential misuse of funds intended for training purposes	4	RBA and IDLO have strong financial management procedures in place. Corruption mitigation is a key pillar in RBA activities.	IDLO has systematic financial controls and will have regular contact with RBA that will lead to an improved financial reporting system	IDLO / RBA
3	Partner fall-out and disagreements	2	3 Project needs to be suspended and/or to be interrupted	5	Regular coordination meetings	IDLO will establish clear communication guidelines with RBA	IDLO

Sustainability

The knowledge transferred to the trained defense lawyers is a durable good; it will not perish following completion of the Project. Still, since ICL continues to develop, some trainees may pursue options elsewhere, and new defense lawyers may be added to the roster of the Special Chamber. IDLO will make efforts to ensure that the capacity of the group of lawyers on the roster, as a whole, is kept up to date. Specifically, IDLO - through the Lead Consultant and its Capacity Development Unit - will work together with the RBA and the Institute for Legal Practice and Development (ILPD), the Rwandan justice sector training institute, to ensure that:

- Local capacity is developed to administer the training programme, as developed by IDLO, to a new group of defense lawyers. In developing and administering the programme, IDLO will apply a training of trainers approach, the focus of which will be on building capacity to manage the training programme. Technical implementation of the programme will most likely still require international ICL expertise.
- Local capacity is developed to develop and administer a refresher course, for example, after a year, to update the 68 defense lawyers on recent important developments in ICL. Modules adaptable to revision will be developed for use in future trainings.

To ensure the sustainability of the programme, provision has been made in the budget for IDLO's consultants to work together extensively with ILPD and RBA counterparts during the inception phase and in the development of the three training modules. In addition, room has been created in the budget to allow for an ILPD (or RBA) Project Officer to attend the training programme as a participant to internalise the content. At the end of the Project, the Lead Consultant will deliver the three finalised training modules, as well as a detailed terms of reference for the development of the refresher course. These will be presented to the counterparts in a two-day workshop where the trainer of trainers approach will be emphasised.

Project Consolidation

The training programme will conclude with the production of a Final Report. In addition to reviewing the implementation of the Project, on the basis of IDLO's engagement with various stakeholders during the process and, again with a view to sustainability, the Report will issue recommendations concerning issues, such as:

- The need for ongoing coaching or mentoring support to the trained defense lawyers (beyond the activities mentioned above);
- The need for strengthening the trainees' capacity in related fields; and
- The need for strengthening the capacities of other stakeholders involved in cases brought before the Special Chamber.

Project Monitoring

IDLO follows the international good practice for monitoring and evaluation (M&E) in line with its Evaluation Policy and quality standards and methods of the OECD DAC Evaluation Network.

IDLO gives priority to 'managing for results', focusing on defining realistic expected results, monitoring progress towards their achievement, integrating lessons learnt into management decisions, and reporting on performance. The cornerstone of this strategy is a systematic and rigorous approach to M&E based on the review of a project's Intervention Logic and an establishment of robust Evaluation Questions and Indicators.

IDLO has a strong track record in developing comprehensive M&E frameworks for its projects, in close collaboration with its partners. This approach will be also implemented under this Project, under which IDLO's M&E framework will be modelled to that of similar justice sector reform projects previously implemented.

The work plan and the M&E framework for this training programme will be jointly developed with the RBA association during the inception phase of the Project.

This M&E framework will then form an important basis to guide Project implementation, also taking into account the environment in which support is provided. IDLO will thus build in a joint review of the work plan and M&E framework after the Program implementation. The process of review will consider:

- Practical and realistic indicators to track progress at each level of outputs and outcomes; data collection and collation methodologies for each indicator; and
- Assumptions about dynamics within the external environment and potential risks to the Program.

In Project monitoring, Project data will be collected on an ongoing basis, analysed and presented to EKN, as well as IDLO Management, to review progress and make any necessary changes to implementation modalities. All Project data will be sex-disaggregated.

The Project's overall performance will be monitored during its duration in order to report on results, provide conclusions and recommendations, draw lessons for organizational learning, and inform the development of future programs. Data collected via Project-level monitoring will be an important source of evidence and further triangulated by data acquired from other sources. The Project monitoring will also be used to recommend any necessary adjustments to the Project/engagement for the next period.

Evaluating Training

As building the capacity of legal professionals, and target beneficiary institutions is central to IDLO's mandate, all IDLO training activities are subject to a standard evaluation approach that is based on the four levels of Kirkpatrick's model (see table below) for evaluating training, as follows:

1. Participant satisfaction with the training;
2. Immediate change in individual knowledge and skills;
3. Change in individual performance back in the workplace; and
4. Change in the overall performance of the institution.

The actual evaluation approach, requires all IDLO programs to cover the first two levels of the Model, while the third level is expected to be developed by each program/project, depending on their specific objectives and targets.

M&E LEVEL	TRAINING RESULTS CHAIN	INFORMATION SOUGHT	DATA COLLECTION TOOLS	RELATION TO TRAINING PURPOSE	
Level 1 (monitoring)	Activity: training course	Quality of design of training course	Course evaluation (trainee satisfaction) Course evaluation (quality of training)	← Change at individual level	← Change at institutional level
Level 2 (monitoring)	Outputs: learning elements	Immediate individual knowledge and skill gain	Individual self-assessment of improvement Skills assessments embedded in training course (<i>under study</i>)		
Level 3 (evaluation)	Outcome: performance change	Effects of training on individual performance in workplace	Individual ex-post questionnaires (after 6-12 mths) Ad-hoc tools during project evaluation		
Level 4 (evaluation)	Impact: institutional change	Impact of training on institutional performance	Ad-hoc tools during impact evaluation		

4. IDLO CAPACITY STATEMENT

As the only inter-governmental organization with an exclusive mandate to promote the rule of law, IDLO enables governments and empowers people to reform laws and strengthen institutions to realise justice, peace and sustainable development. IDLO works along the spectrum from peace and institution building to economic recovery in countries emerging from conflict and striving towards democracy. It supports emerging economies and middle-income countries to strengthen their legal capacity and rule of law framework for sustainable development and economic opportunity. IDLO enjoys Observer Status at the United Nations General Assembly. Its headquarters are located in Rome, with a Branch Office in The Hague, liaison offices for the United Nations in New York and Geneva, and Field Offices in 15 countries in Africa, Central Asia and Eastern Europe, Latin America, the Middle East and North Africa, and South East Asia. In recent years, IDLO has rapidly been building up its capacity in the East African region, also, where it has programmes under implementation in Burundi, Kenya, Somalia, South Sudan, Tanzania, and Uganda.

For many years, strengthening judicial capacity in the developing world was IDLO's sole area of intervention. Today, while IDLO's mission and expertise has greatly expanded, it remains faithful to that early purpose. Strengthening capacity of justice officials is still the bulk of what IDLO does, and what IDLO is most recognised for. IDLO does this in a variety of legal systems and traditions, including common and civil law, and working together with local and international partners. IDLO's most comprehensive training programme to-date is the Justice Training Transition Program (JTTP) implemented in Afghanistan, from January 2013 to November 2017, with funding from the US Department of State, Bureau of International Narcotics and Law Enforcement Affairs (INL).

Other programmes implemented that are of relevance to the present proposal include the following:

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5. HUMAN AND FINANCIAL RESOURCES

Management and Human Resources

The Project, consisting of the development and delivery of the training programme, will be managed by the Programme Manager, New Initiatives, who is based in IDLO's Regional Office in Nairobi. Under the direction of the Programme Manager, a Lead Consultant will be recruited to lead the development and delivery of the training programme.

The Lead Consultant will be a highly-qualified ICL Expert, with Rwanda experience and specific knowledge of ICTR practice and case law, and a strong track record of working on training programmes reflecting IDLO's approach. During the Project inception phase, on the basis of the training needs assessment and in close consultation with the Programme Manager, the Lead Consultant will assemble a team of one or two Senior Consultants to assist with the development and/or delivery of the training programme.

In accordance with the objective to be a learning organisation reflected in IDLO's Strategic Plan 2017-2020, and to enhance the sustainability of the Project on IDLO's side, provision is made for the involvement (during the inception and final reporting phases of the Project) of IDLO's Capacity Development Unit.

IDLO Capacity Development Unit

The role of the IDLO Capacity Development Unit (CDU) during the implementation of the training program will mainly be:

- Ensuring that the design and delivery of the program is in adherence to IDLO Training quality standards.
- Providing guidance with respect to the Training of Trainers approach, consistent with efforts to ensure sustainability of the training program, to a group of defense lawyers identified in consultation with the RBA. These lawyers will be charged with delivering refresher courses. (ref. sustainability p.9)
- As part of the training program, the CDU will deliver a TOT on IDLO participatory training methodology.

Key persons from the CDU involved in the project include the Manager of the Capacity Development Unit and the Capacity Development Officer. Profiles of the individuals are attached to this proposal.

Technical Budget

The following Budget provides an overview of the costs of the proposed Project. The Budget follows the order of the activities described in Section 3 above. The overall cost of the Project is EUR 250,000. With a total of 69 participating defense lawyers (plus the ILPD Officer), this comes down to a per person cost of approximately EUR 3.600. IDLO holds this to be a sum that is in line with the scope and quality of the proposed training programme. Underneath the table, some further explanations are provided as to how to read and understand certain individual lines of the budget.

BL	Description	Unit	N	Unit	N	U/Rate	EUR
1	Inception Phase	Output 1					43,366
1.1	Preparatory desk study						13,075
1.1.1	Lead Consultant	expert	1	day	10	575	5.750
1.1.2	IDLO Capacity Development Officer	expert	1	day	7	650	4.550
1.1.3	IDLO Capacity Development Manager	expert	1	day	15	850	1.275
1.1.4	IDLO Program Manager	expert	1	day	15	1.000	1.500
1.2	Inception Mission						22,291
1.2.1	Lead Consultant	expert	1	day	8	575	4.600
1.2.2	Lead Consultant DSA	expert	1	day	8	170	1.360
1.2.3	Lead Consultant International Travel (flight & visa)	expert	1	travel	1	1.500	1.500
1.2.4	IDLO Program Manager	expert	1	day	2.5	1.000	2.500
1.2.5	IDLO Program Manager Travel	estimate	1	estimate	1	550	550
1.2.5	IDLO Program Manager DSA	estimate	1	estimate	2	170	340
1.2.6	IDLO Capacity Development Unit	expert	1	day	3	850	2.550
1.2.7	Capacity Development Unit DSA	expert	1	day	3	170	510
1.2.8	Capacity Development Unit International Travel (flight & visa)	expert	1	travel	1	1.500	1.500
1.2.9	Consultation meeting: venue rental and light catering	pax	69	day	1	19	1.311
1.2.10	Consultation meeting : Participant from out of Kigali DSA	pax	10	day	2	70	1.400
1.2.11	Consultation meeting: Participant transport (Kigali based pax)	pax	59	day	1	20	1.180
1.2.12	IDLO Security Advisor	expert	1	day	2	950	1.900
1.2.13	IDLO Regional Security Travel	expert	1	travel	1	750	750
1.2.14	IDLO Regional Security DSA	expert	1	day	2	170	340
1.3	Inception Report						8,000
1.3.1	Lead Consultant	expert	1	day	5	575	2.875
1.3.2	IDLO Capacity Development Officer	expert	1	day	5	650	3.250
1.3.3	IDLO Capacity Development Manager	expert	1	day	0.5	850	425
1.3.4	IDLO Program Manager	expert	1	day	1	1.000	1.000
1.3.5	Production of report (printing)	item	1	estimate	1	450	450

2	Implementation						156,900
2.1	Block 1 - Principles of ICL	Output 2					43,490
2.1.1	Block 1 - Development						9,625
2.1.1.1	Lead Consultant	expert	1 day	15	575		8,625
2.1.1.2	IDLO Program Manager	expert	1 day	1	1,000		1,000
2.1.2	Block 1 - Delivery						33,865
2.1.2.1	Lead Consultant	expert	1 day	18	575		10,350
2.1.2.2	DSA Lead Consultant	expert	1 day	18	170		3,060
2.1.2.3	International Travel (flight & visa)	expert	1 travel	1	1,500		1,500
2.1.2.4	IDLO Program Manager	expert	1 day	1	1,000		1,000
2.1.2.5	DSA Participants from outside Kigali	pax	10 day	5	70		3,500
2.1.2.6	Transport Allowance for participants Kigali based	pax	59 day	5	20		5,900
2.1.2.7	Logistics (venue & catering)	pax	69 day	5	19		6,555
2.1.2.8	Training Material (includes photocopying, handouts, handbooks)	item	1 estimate	1	2,000		2,000
2.2	Block 2 - Substantive ICL	Output 3					56,955
2.2.1	Block 2 - Development						15,875
2.2.1.1	Lead Consultant	expert	1 day	10	575		5,750
2.2.1.2	Senior Consultants	expert	1 day	15	575		8,625
2.2.1.3	IDLO Program Manager	expert	1 day	1.5	1,000		1,500
2.2.2	Block 2 - Delivery						41,080
2.2.2.1	Lead Consultant	expert	1 day	5	575		2,875
2.2.2.2	Senior Consultants	expert	1 day	20	575		11,500
2.2.2.3	DSA Lead Consultant	expert	1 day	5	170		850
2.2.2.4	DSA Senior Consultants	expert	1 day	20	170		3,400
2.2.2.5	International Travel (flight & visa)	expert	1 travel	2	1,500		3,000
2.2.2.6	IDLO Program Manager	expert	1 day	1	1,000		1,000
2.2.2.7	DSA Participants from outside Kigali	pax	10 day	5	70		3,500
2.2.2.8	Transport Allowance for participants Kigali based	pax	59 day	5	20		5,900
2.2.2.9	Logistics (venue & catering)	pax	69 day	5	19		6,555
2.2.2.10	Training Material (includes photocopying, handouts, handbooks)	item	1 estimate	1	2,500		2,500
2.3	Block 3 - Process of ICL	Output 4					56,455
2.3.1	Block 3 - Development						15,375
2.3.1.1	Lead Consultant	expert	1 day	10	575		5,750
2.3.1.2	Senior Consultants	expert	1 day	15	575		8,625
2.3.1.2	IDLO Program Manager	expert	1 day	1	1,000		1,000
2.3.2	Block 3 - Delivery						41,080
2.3.2.1	Lead Consultant	expert	1 day	5	575		2,875
2.3.2.2	Senior Consultants	expert	1 day	20	575		11,500
2.3.2.3	DSA Lead Consultant	expert	1 day	5	170		850
2.3.2.4	DSA Senior Consultants	expert	1 day	20	170		3,400
2.3.2.5	International Travel (flight & visa)	expert	1 travel	2	1,500		3,000
2.3.2.6	IDLO Program Manager	expert	1 day	1	1,000		1,000
2.3.2.7	DSA Participants from outside Kigali	pax	10 day	5	70		3,500
2.3.2.8	Transport Allowance for participants Kigali based	pax	59 day	5	20		5,900
2.3.2.9	Logistics (venue & catering)	pax	69 day	5	19		6,555
2.3.2.10	Training Material (includes photocopying, handouts, handbooks)	item	1 estimate	1	2,500		2,500
3	Reporting & Consolidation	Output 5					22,975
3.1	Lead Consultant	expert	1 day	15	575		8,625
3.2	DSA Lead Consultant	expert	1 day	5	170		850
3.3	International Travel (flight & visa)	expert	1 travel	1	1,500		1,500
3.5	IDLO Capacity Development Officer	expert	1 day	4	650		2,600
3.6	IDLO Program Accountant	expert	1 day	6	650		3,900
3.7	IDLO Capacity Development Manager	expert	1 day	3	850		2,550
3.8	IDLO Program Manager	expert	1 day	2	1,000		2,000
3.9	IDLO Security Advisor	expert	1 day	1	950		950
4	Sub-total						223,241
5	IDLO Administrative Costs (overhead)						26,759
6	Total						250,000

Budget Narrative

IDLO would wish to allow the Lead Consultant and his team considerable flexibility to determine how they develop and deliver the training programme, and how they divide the work between them. In this way, most room is afforded to the team to tailor the training programme to identify needs and it can best be assured that the Lead Consultant can make the best use of the talent and experience within his team. While guaranteeing that the total amount requested will not change, IDLO will advise the EKN of any significant shift of funds within and between budget chapters during Project implementation. (e.g. from 2.2.2.1 to 2.2.2.2 to allow one of the Senior Consultants to take up work originally foreseen to be undertaken by the Lead Consultant).

Below are some further explanations to help read and understand the budget:

- As indicated in Section 3 of this proposal, a first inception mission by the IDLO Program Manager and a member of the IDLO Capacity Development Unit is foreseen. Budget line 1.2.5 provides for a lump sum of EUR 750 to cover the travel costs and the DSA for the Program Manager (who is based in the region). Budget line 1.2.7 provides for the DSA of the Capacity Development Unit representative, who is Rome-based. Budget line 1.2.8 provides for travel for the Capacity Development Unit representative who is Rome Based.
- During the inception phase, venue for the training will be determined and arrangements will be made for the catering (budget lines 2.1.2.7, 2.2.2.9, and 2.3.2.9). The training will be held at a hotel facility to be agreed between IDLO and the RBA. Participants coming outside Kigali will receive a DSA including a reimbursement fees for their transport (budget lines 2.1.2.5, 2.2.2.7, and 2.3.2.7), participants coming from Kigali will receive a reimbursement of their transports (budget lines 2.1.2.6, 2.2.2.8, and 2.3.2.8).
- As indicated, IDLO wishes to leave the Lead Consultant considerable flexibility to divide the work between him- or her- self and the senior consultants. For the moment, IDLO has provided for the Lead Consultant to develop and deliver training block 1 alone, and for him or her to work together with the senior consultants on the development of blocks 2 and 3, and to accompany the senior consultants in the delivery of the first week of these trainings.
- Rates for IDLO personnel are calculated to include basic salary, benefits, and occupancy cost. IDLO standard daily rates do not include any charges covered by the 12% Overhead. Following Resolution N. 3, of the IDLO Assembly of Parties of November 2008, IDLO is authorized to charge a 12% overhead to cover the cost of enabling services to implement a program. Overhead costs include program development, fundraising, and essential support services, such as administration, procurement, ICT, logistics, Human Resources and Senior Executive oversights.

BIOGRAPHICAL DATA OF SELECTED IDLO STAFF

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Kigali, 17/02/2017

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Head of Cooperation
Embassy of the Kingdom of the Netherlands in Kigali
KIGALI/RWANDA

Subject: International Criminal Law Training for Rwandan Defense Lawyers

The Rwanda Bar Association (the "Bar") would like to request technical assistance from the Embassy of the Netherlands in Kigali (the "Embassy") for international criminal law training for defense lawyers in Rwanda (the "Project"). The proposed training would be a key component of the Continuing Legal Education (CLE) provided by Bar.

The Bar expresses its support for the Embassy's activities in Rwanda and has coordinated with the International Development Law Organisation (IDLO) in developing a proposal for a training program on International Criminal Law (ICL) for submission to the Embassy.

We confirm that the Bar is committed to the full implementation of the Project and its activities, as they contribute to our CLE. In particular, by way of a contribution on our part, we hereby confirm our commitment to ensure participation of members and inclusion of the training program in the annual training plan of the Bar. We further commit to extending support to IDLO under the proposed Project.

We would also like to confirm that no other international donor is funding the activity of the Bar that is identical to the requested technical assistance, nor is the Bar planning to seek such technical assistance from any other donor.

We understand that the Embassy will consider the proposal submitted by IDLO in accordance with (a) its Procurement Policies and Rules, and (b) any requirements of the donors of the technical cooperation funds (if any). We agree with the selection and contracting on this basis.

We agree that the Embassy shall not be held liable for any loss, cost, damage or liability that we, or third parties, may suffer through the Embassy's role in selecting, engaging or

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REPUBLIC OF RWANDA



SUPREME COURT
P.O.BOX 2197 KIGALI

Received by

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20 MAR 2017

Embassy of the Kingdom
of the Netherlands

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Kigali, on 17/03/2017
Ref: N° 10 2 g

✓
Her Excellency the Ambassador of the Kingdom of the Netherlands to Rwanda,
Boulevard Umuganda

Your Excellency,

**Subject: Status of uncompleted activities of the capacity building of the Judiciary and Prosecution
Project (CBJNP)**

The Supreme Court received the assistance from the Royal Kingdom of the Netherlands through the Netherlands Embassy in Kigali in the Arrangement to support Capacity Building of Judiciary and Prosecution for extradited suspects of Genocide "Programme n° 24857 (Contract RSE 10 2 g)" and has the following components:

- IT infrastructures (hardware and software), Capacity Building and Knowledge sharing, Physical Infrastructure support, Technical assistance and Support to the Genocide Fugitive Tracking Unit (GFTU)

This programme was signed off on the November, 27th 2012 for a period of three years up to 30th November 2015, but later the deadline for payment of activities was extended to 31st March 2017 and the final project closure was extended to 30th June 2017 due to delays in recruitment of technical experts, procurement processes of goods and services, as well as starting the construction of the Court house for High Court Chamber for International Crimes (HCCIC) in NYANZA.

However, there are some major activities that will not be completed before 31st March 2017 and hence it is expected that final payment for some of them may be finalised by 30th August 2017, these include the following:

- The construction of the Court house in Nyanza has delayed due to the delay in supply of granite tiles from the factory and the authorisation from the Nyanza District to extend the drainage system of the building to reach the valley that now requires compensation of the land where this channel will be constructed or passed.
- The Supply and Installation of Furniture in the court House which cannot be done before, the building is completed and this may be done between May and July 2017 as the first launched tender has been cancelled due to the very high prices provided by the potential company that had qualified;
- The production of Bench books for High Court Chamber for International Crimes, though the Institute of Legal Practice was contracted to do this work, Judiciary and other

stakeholders took time to approve the drafts and also the ILPD needed time to translate the documents in three languages before submitting them for payment. This is expected to be completed by May 2017.

- Further still, there is need for more time to prepare the final project report and audit after all payments have been made auditing period 2016-2017.

The Supreme Court therefore, requests for extension of the project closure date to 30th October 2017 without additional budget, to allow for preparing the final project report and final audit.

Please accept, your excellence, the assurance of my highest consideration

Sincerely,

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Beth MURORA
Secretary General

Beth MURORA
Secretary General
Supreme Court

Cc:

- The Honourable Chief Justice
- The Deputy Chief Justice
- Minister of Finances and Economic Planning
- The Prosecutor General

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5th AMENDMENT to the ARRANGEMENT

between

the Netherlands Minister for Foreign Trade and Development Cooperation, hereafter referred to as the Minister,

and

the Minister of Finance and Economic Planning of the Republic of Rwanda, legally represented in this matter by the Supreme Court of the Republic of Rwanda, hereafter referred to as the Organisation

Whereas the Minister and the Organisation concluded an Arrangement on 27 November 2012 to increase the capacity of the Rwandan judiciary and prosecution to deal with the trials of extradited suspects of the genocide in a manner that fully complies with all international and UN requirements related to the provision of a fair trial, ref. no. 10 2 g Minister's ref. no. 10 2 g, hereafter referred to as the project;

Whereas the above mentioned arrangement has been amended before, on 14 August 2013, on 5 September 2013, on 25 May 2015, and 28 November 2016;

Whereas developments relating to the project justify amendment of the said Arrangement;

The Minister and the Organisation have come to the following Amendment:

1. At the request of the Organisation appended to its letter of 17 March 2017, ref. no. 10 2 g the Minister will extend the duration of the project by four months to 31 August 2017.
2. The Organisation will provide semi annual reports and yearly audits according to the following schedule:



Type of report	period	deadline
Progress report	1 December 2012 – 30 June 2013 1 July 2013 – 31 December 2013 1 January 2014 – 30 June 2014 1 July 2014 – 31 December 2014 1 January 2015 – 30 June 2015 1 July 2015 – 31 December 2015 1 January 2016 – 30 June 2016 1 July 2016- 31 December 2016	30 September 2013 31 March 2014 30 September 2014 31 March 2015 30 September 2015 31 March 2016 30 September 2016 31 March 2017
Financial report	1 December 2012 – 30 June 2013 1 July 2013 – 31 December 2013 1 January 2014 – 30 June 2014 1 July 2014 – 31 December 2014 1 January 2015 – 30 June 2015 1 July 2015 – 31 December 2015 1 January 2016 – 30 June 2016 1 July 2016- 31 December 2016	30 September 2013 31 March 2014 30 September 2014 31 March 2015 30 September 2015 31 March 2016 30 September 2016 31 March 2017
Annual audit	1 December 2012 – 30 June 2013 1 July 2013 – 30 June 2014 1 July 2014 – 30 June 2015 1 July 2015 – 30 June 2016 1 July 2016 – 31 August 2017	31 October 2013 31 October 2014 31 October 2015 31 October 2016 31 October 2017
Final narrative and financial report	1 December 2012 – 31 August 2017	31 October 2017

3. The other terms and conditions of the Arrangement remain unchanged.

Signed in duplicate in the English language.

at Kigali

On 3 April 2017

For the Minister for Foreign Trade
and Development Cooperation of
the Netherlands

at Kigali

on 10 APR 2017

For the Ministry of Finance and
Economic Planning of the Republic
of Rwanda

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Head of Development Cooperation



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Claver Gatete
Minister



PROGRAMME ON STRENGTHENING THE RWANDAN JUDICIAL INSTITUTIONS IN INTERNATIONAL CRIMINAL LAW

Concept Note to the Embassy of the Kingdom of the Netherlands in Kigali, Rwanda
21 October 2019

1. SYNOPSIS

This concept note from the International Development Law Organization (IDLO) is submitted to the Embassy of the Kingdom of The Netherlands in Kigali (the Embassy), to request support for a project to develop and deliver a programme aimed at strengthening the capacity of Rwanda's judicial institutions in international criminal law, more specifically the National Public Prosecution Authority (NPPA), the Rwandan Judiciary (Judiciary), and the Rwanda Bar Association (RBA) through capacity-building and technical assistance sub-projects:

- Project 1: Strengthening the capacity in international criminal law of national prosecutors of the International Crimes Unit of the NPPA who appear before the High Court Chamber of International Crimes (HCCIC) and Court of Appeals on Transfer cases, together with investigators (members of the judicial police), and/ or other lawyers and legal staff of the NPPA and Genocide Fugitive Tracking Unit (GFTU) who support the work of the International Crimes Unit.
- Project 2: Providing technical assistance in international criminal law to the Rwanda judiciary through the creation of (i) Templates for written orders, decisions, and judgments (trial and appeal), and the delivery of training on their use; and (ii) A comprehensive Practice Manual for the conduct and management of Transfer cases to ensure the consistent application of the Transfer Law procedure.
- Project 3: Consolidation of the Embassy and IDLO's previous project on capacity building in international criminal law the RBA (2017-2018) by providing a one-week refresher course, emphasising legal research, legal drafting, and advocacy skills for the RBA lawyers appearing in Transfer cases and appeals.

The level of support sought is estimated at EUR 450,000 over 18 months for the period of 1 January 2020 to 30 June 2021.

Support from the Embassy to IDLO would generate 3 main outputs:

- Project 1: To ensure that the NPPA national prosecutors appearing before the HCCIC and Court of Appeal have increased capacity to prosecute the genocide suspects transferred to Rwanda for trial in accordance with the Transfer Law procedure and internationally recognised rights of the accused.
- Project 2: To increase consistency in content and form of decisions and judgements rendered by the HCCIC and Court of Appeals to provide legal certainty to the parties, and uniformity in the practice and procedure of Transfer cases through reference to a step-by-step guide to the application of the Transfer law.

- Project 3: To consolidate and strengthen the skills and knowledge provided to the RBA practitioners who were participants in the 2017-2018 Embassy and IDLO programme in the application of Transfer Law procedure and international criminal law.

2. CONTEXT AND PROBLEM STATEMENT

- Project 1: Strengthening the capacity in international criminal law of national prosecutors of the International Crimes Unit of the NPPA

Strengthening prosecutorial capacity in Rwanda in international criminal law is both important and timely. Although Transfer cases have been adjudicated since 2012, their volume is increasing. With more countries transferring cases back to Rwanda, this trend will only continue.

Moreover, significant amendments in the Transfer Law and the issuance of the Practice Direction on Investigations have changed the legal framework applicable to Transfer cases. First, the Transfer Law creates a unique hybrid procedure importing many common law procedural rules foreign to Rwanda's standard practice. For example, incriminating witnesses (other than purely corroborative witnesses) must be heard live, and there is a right to cross-examination. Further, evidence that was admissible at the ICTR can also be admitted in Transfer cases. The Defence can also apply for a supplementary budget to conduct their own investigations. Each of these features is unique to Transfer cases and distinct from the standard penal procedure of other Rwandan criminal trials.

In addition, the Transfer Law allows parties and the bench to rely on international criminal jurisprudence to guide their legal arguments and decisions. So far, judges have given significant weight to the practice, procedure and substantive precedents set by the ICTR, the ICTY and the International Criminal Court. However, international criminal law is a complex and evolving field. Knowing how to research and apply the latest judicial precedents correctly and effectively is not something with which Rwandan prosecutors have previously had to engage.

- Project 2: Technical Assistance in international criminal law for the Rwandan judiciary

The HCCIC and Court of Appeal Judges are currently without “templates” for the preparation of written orders, decisions and judgements. The shift towards a “common law” system under the Transfer Law has given rise for an increased need for written orders and decisions, and reasoned judgements which set out, in sufficient detail, the Judges’ assessment of the evidence, legal conclusions, and reasons for the verdicts reached.

Normally, a court has a “document bank” of templates which are formatted in the same manner, and also contain a standard structure, or “boiler-plate” legal language which remains constant as between decisions, orders and judgements. Without these templates, Rwandan Judges and their staff are reinventing the wheel with every legal document they draft, which is a problem with an extremely simple, efficient, and sustainable solution.

Also common at the international criminal courts and tribunals is a Chambers’ “Practice Manual”, being a document provided to all new Judges and legal staff, which is a step-by-step guide to the conduct and management of international criminal trials in the different trial stages; pre-trial, trial and appeal. This document, which has at its heart the relevant rules of procedure and evidence, ensures not only that the Judges take all the steps necessary to ensure a fair and

expeditious trial in the respective courts, but that the procedure implemented as between the different trials is *consistent*, which also leads to legal and procedural certainty for the parties.

During the 2018-2019 Embassy and IDLO programme on capacity building for the Rwanda Judiciary, the Judges and their staff were shown examples of Practice Manuals from two international courts in The Hague, and expressed interest in having a similar document for the Transfer cases, particularly given the number of Judges who are coming to these trials unfamiliar with the Transfer Law specifically, or even criminal procedure more generally.

- Project 3: Consolidation of previous capacity building in international criminal law for the RBA

Practical legal skills such as (i) legal research; (ii) legal drafting; and (iii) courtroom advocacy skills not only improve with regular use and practice, but also decline if not maintained. Moreover, given the dynamic nature of international criminal law, additional databases and resources are appearing on a continual basis about which those practising in these areas should be familiar. A one-week refresher course would be important to address the time that has elapsed between the 2016-2017 programme and the present day, particularly for those RBA lawyers who are appearing in Transfer cases at first instance and on appeal.

3. DESCRIPTION OF THE PROJECT

- Project 1: Strengthening the capacity of national prosecutors of the International Crimes Unit of the NPPA

NPPA national prosecutors would receive a training similar to that received by the RBA lawyers. The training would ensure, for example, that NPPA prosecutors had a solid understanding of the scope and application of the rights of the accused in international criminal proceedings. However, particular emphasis would be placed on a prosecutor's ability under Chapter II of the Transfer Law to shape (and reduce) cases through reliance on facts established by, and evidence generated through, the ICTR. It would also contain modules on substantive international criminal law, legal research skills and the use of precedent, and new procedural aspects of the Transfer Law, including common law oral advocacy elements.

An increase in the NPPA's reliance on provisions of the Transfer Law leading to more efficient and fair proceedings; development of legal research skills leading to an improved quality of pleading; and an increased emphasis on conducting proceedings in full respect for the rights of the accused. This programme would complement the programmes delivered for the RBA lawyers and the Judiciary, given that the three main actors within Transfer cases have the same level of training in substantive and procedural international criminal law, and the application of the Transfer Law.

- Project 2: Technical Assistance in international criminal law for the Rwanda judiciary

The Template Project: "Templates" for judicial orders, decisions, and judgments (both trial and appeal) would be created for use by the HCCIC and Court of Appeal Judges hearing Transfer cases. The templates aim to increase judicial economy and efficiency. Substantively, they will also bring consistency to the applicable legal standards (with discretion as to how to decide remaining with the Judges), leading to more efficient litigation by the parties who have a clearer idea of how to argue effectively before these Judges, and on what basis issues are being decided.

In practical terms, the Template Project and would involve three components. Firstly, the drafting of the template documents themselves, with input from members of the Rwandan judiciary in terms of both form and content, and translation into Kinyarwanda. Secondly, a brief training for members of the judiciary and their staff in how to most effectively use the templates in their daily work. And lastly, collaboration with the IT Staff within the judiciary (or if necessary an outside consultant) to ensure the creation of a secure site or document bank where the templates could be stored and accessed, and finalized decisions and judgments could be shared among the judiciary in an eventual “document bank” of decisions and judgments under the Transfer Law.

The Practice Manual: A Practice Manual for the Judges of the HCCIC and Court of Appeals hearing Transfer Cases would be developed and provided to the relevant members of the Rwandan Judiciary. This document, approximated at 30-40 pages in length, would be a comprehensive yet extremely user-friendly step-by-step manual which can guide the Judges through each of the procedural steps mandated under the Transfer Law (or which can contribute to their efficient and fair conduct). It would include practical examples of how the Transfer Law has been interpreted by other benches; advice for the efficient management of complex case-files; and options for obstacles regularly faced in the hearing of international criminal trials. The manual would be developed in consultation with both Judges and legal assistants of the HCCIC and Court of Appeals, and would be translated into Kinyarwanda.

- Project 3: Consolidation of previous capacity building in international criminal law for the RBA

Members of the RBA who were the beneficiaries of the Embassy and IDLO programme in capacity building in international criminal law in 2017-2018 would be provided with one-week “refresher” courses to consolidate and build on the information and knowledge provided during the initial programme.

The project would involve the design and delivery of the course. From the original 75 RBA members who attended the initial training, approximately 25 lawyers would be selected, in consultation with the RBA, and with an emphasis on those appearing on behalf of accused in Transfer cases or appeals. The training would be of one week’s duration, and would emphasise in particular legal drafting, legal research, and practical advocacy exercises.

4. BENEFICIARIES

- Project 1: National prosecutors of the International Crimes Unit of the NPPA who appear before the High Court Chamber of International Crimes (HCCIC) and Court of Appeals on Transfer cases, together with investigators (members of the judicial police), and/ or other lawyers and legal staff of the NPPA and Genocide Fugitive Tracking Unit (GFTU) who support the work of the International Crimes Unit.
- Project 2: Members of the Judiciary, specifically Judges, Legal Researchers, and Registrars of the HCCIC and Court of Appeals involved in Transfer cases.
- Project 3: Members of the RBA appearing in Transfer cases and appeals.

5. IMPLEMENTER

The International Development Law Organization (IDLO)

As the only intergovernmental organization exclusively devoted to promoting the rule of law, IDLO works to enable governments, empower people and strengthen institutions to realize justice, peace and sustainable development. Its programs, research and policy advocacy covers the spectrum of rule of law from peace and institution building to social development and economic recovery in countries emerging from conflict and striving towards democracy. IDLO supports emerging economies and middle-income countries to strengthen their legal capacity and rule of law framework for sustainable development and economic opportunity. IDLO enjoys Observer Status at the United Nations General Assembly. Its headquarters are located in Rome, with a Branch Office in The Hague, liaison offices for the United Nations in New York and Geneva, and Field Offices in Afghanistan, Honduras, Indonesia, Kenya, Kyrgyzstan, Liberia, Mali, Mexico, Mongolia, Myanmar, the Philippines, Somalia (based in Nairobi), South Sudan, Tajikistan, Tunisia, Uganda, and Ukraine.

For many years, strengthening judicial capacity in the developing world was IDLO's sole area of intervention. Today, while IDLO's mission and expertise has greatly expanded, it remains faithful to that early purpose. Strengthening capacity of justice officials is still the bulk of what IDLO does, and what IDLO is most recognised for. IDLO does this in a variety of legal systems and traditions, including common and civil law, and working together with local and international partners. IDLO's most comprehensive training programme to-date is the 10.2 a

Other programmes implemented that are of relevance to the present proposal include the following:

- 10.2 a
-
-
-

Management and Human Resources

The project, consisting of the development and delivery of the training programme, will be managed by the Regional Program Manager, Africa, who is based in IDLO's Headquarters in Rome. Under the direction of the Programme Manager, the Lead Consultant will lead the development and delivery of the training programme, and will be assisted by a Senior Consultant. Both the Lead and Senior Consultants are expert ICL practitioners, who have appeared before, and worked within, the various hybrid and international criminal courts including the ICTR, the MICT, and Rwanda's International Crimes Chamber and have extensive training, capacity-building and technical assistance expertise.

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10.2 e



■ 10.2 e



The Lead Consultant and Senior Consultant will be assisted by two junior consultants, a local facilitator and will use translation and interpretation services, and a web designer.

6. DURATION

The overall project and its sub-projects will be designed and implemented between 1 January 2020 and 30 June 2021.

7. GENDER MAINSTREAMING

The training programme will be designed in such a way as to ensure that the female members of each institution are proportionally represented in the selected participants and are able to actively participate. This participation will be ensured by including the members in exercises and other practical sessions during the training. Most importantly, in the substance of the training programme, gender considerations will be taken into account, and the substance of the training

programme will be tailored towards the provision of skills enhancement to avoid re-victimisation of witnesses and victims during trials. Gender considerations and victim sensitivity will be key elements of the proposed training programme.

8. MONITORING AND EVALUATION

IDLO follows the international good practice for monitoring and evaluation (M&E) in line with its Evaluation Policy and quality standards and methods of the OECD DAC Evaluation Network.

IDLO gives priority to ‘managing for results’, focusing on defining realistic expected results, monitoring progress towards their achievement, integrating lessons learnt into management decisions, and reporting on performance. The cornerstone of this strategy is a systematic and rigorous approach to M&E based on the review of a project’s Intervention Logic and an establishment of robust Evaluation Questions and Indicators.

IDLO has a strong track record in developing comprehensive M&E frameworks for its projects, in close collaboration with its partners. This approach will be also implemented under this Project, under which IDLO’s M&E framework will be modelled to that of similar justice sector reform projects previously implemented.

In relation to the Projects 1 and 3 (NPPA Training and RBA and **Consolidation of Capacity Building in ICL for the RBA**), the M&E framework for this programme will consist of an evaluation of comparative levels of knowledge and skill prior to and subsequent to the delivery of each of the training sessions. This evaluation will be administered through short evaluative pre and post quizzes, followed by group discussions. The evaluations will enable the trainers to evaluate the effectiveness of each session as well as individual modules within the sessions. The M&E framework for this programme will be very much follow that of the international criminal law Programme for the RBA.

As building the capacity of legal professionals, and target beneficiary institutions is central to IDLO’s mandate, all IDLO training activities are subject to a standard evaluation approach that is based on the four levels of Kirkpatrick’s model (see table below) for evaluating training, as follows:

1. Participant satisfaction with the training;
2. Immediate change in individual knowledge and skills;
3. Change in individual performance back in the workplace; and
4. Change in the overall performance of the institution.

M&E LEVEL	TRAINING RESULTS CHAIN	INFORMATION SOUGHT	DATA COLLECTION TOOLS	RELATION TO TRAINING PURPOSE	
Level 1 (monitoring)	Activity training course	Quality of design of training course	Course evaluation (trainee satisfaction) Course evaluation (quality of training)	← Change at individual level	← Change at institutional level
Level 2 (monitoring)	Outputs learning elements	Immediate individual knowledge and skill gain	Individual self-assessment of improvement Skills assessments embedded in training course (under study)		
Level 3 (evaluation)	Outcome: performance change	Effects of training on individual performance in workplace	Individual ex-post questionnaires (after 6-12 mos) Ad-hoc tools during project evaluation		
Level 4 (evaluation)	Impact: institutional change	Impact of training on institutional performance	Ad-hoc tools during impact evaluation		

The monitoring and evaluation of Project 2 (Technical Assistance for the Rwandan Judiciary) will take the form of consultation with and feedback from members of the Judiciary throughout the duration of the process, and an evaluation of beneficiary satisfaction through feedback forms at the completion of the training.

9. SUSTAINABILITY

In relation to Project 1 (NPPA Training), the knowledge transferred to the Prosecutors is a durable good; it will not end following completion of the project. IDLO will make efforts to ensure that the capacity of the national prosecutors, as a whole, is kept up-to-date. Specifically, IDLO - through the Lead and Senior Consultants and its Capacity Development Unit - will work together with the NPPA ensure that local capacity is developed to administer portions of the training programme, as developed by IDLO, to a new group of prosecutors. In developing and administering the programme, IDLO will apply a participatory approach and include a training of trainers session, the focus of which will be on building capacity to manage the training programme. Technical implementation of the entire programme will most likely still require international ICL expertise. Modules adaptable to revision will be developed for use in future trainings.

Sustainability is at the heart of Project 2 (Technical Assistance for the Rwandan Judiciary). The project will produce templates, an eventual document bank, and a Practice Manual which will assist current and future members of the judiciary in their work. Importantly, the documents will each be provided in formats that can be updated to take into account developments in the law, jurisprudence and practice of the court, and any changes in the Transfer Law itself.

Project 3 (Consolidation of Capacity Building in ICL for the RBA) is also indicative of a commitment to sustainability. This project is aimed at ensuring the knowledge and skills gained by the RBA lawyers through the training programme completed in 2017-2018 is updated, improved and consolidated.

10. BUDGET

The level of support sought is estimated at EUR 450,000 over 18 months for the period of 1 January 2020 to 30 June 2021. A detailed budget will follow with the final proposal.

CONTACTS

10.2 e

Director of Programs
Viale Vaticano 106, 00165
Rome, Italy.

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Regional Program Manager, Africa
Viale Vaticano, 106, 00165,
Rome, Italy.

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Activity Appraisal Document ODA

€ 250.000 up to € 1.000.000

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Application number	4000003409
Short name application	IDLO: Training programme for prosecution and registrars
Long name application	Training programme on international criminal law and transfer cases for the Rwandan Prosecution working on transfer-cases.
Description application	This project is a sequel to previous trainings by IDLO for the Rwandan BAR association and the Rwandan Judiciary. This training programme on international criminal law and transfer cases is intended for the Rwandan Prosecution and the registrars working on transfer-cases. The project will focus on 3 areas: 1) Strengthening capacity of international criminal law of national prosecutors 2) providing technical assistance in international criminal law to the Rwanda judiciary and 3) Refresher course on legal research for RBA lawyers.
Budget holder	KIG
Number business partner	10 2 g
Implementing organisation(s)	IDLO
<u>Legal relationship</u>	Arrangement/ contribution
<u>Commitment</u> in foreign currency (if applicable)	N/A
Corporate rate	N/A
<u>Commitment</u> in euros	450.000
Funds centre	10 2 g
Activity start date	1/12/2019
Activity end date	31/12/2021
Contract start date	1/12/2019
Contract end date	30/06/2021
<u>Aid modality</u>	Other programme aid
<u>Donor role</u>	Single donor
<u>Technical assistance</u>	TA > 50 50% or more of the activity budget

Beneficiary's country/region	Rwanda		
Countries within the region (if applicable)	N/A		
Allocation country information	100% of the budget will be spent in Rwanda		
Location within the country (be as specific as possible)	Town	Name of location(s)	Kigali
CRS Code	10 2 g		
Policy marker weight is 'principal' (no minimum or maximum amount)	InsOntw		
Policy marker weight is 'significant' (no minimum or maximum amount)	PubSct		
Special pledges made by the Minister or State Secretary / and/ or special marks regarding sensitive information	n/a		

II. APPRAISAL OF THE ACTIVITY

2.1 Contribution made by the activity to BZ policy objectives (policy relevance)

2.1.1 Description policy relevance

Strengthening the capacity of prosecutors, judges and lawyers in Rwanda in international criminal law is both important and timely. Although cases have been adjudicated under the Transfer Law since 2012 ("Transfer cases"), their volume is increasing. With more countries transferring cases back to Rwanda, this trend will only continue. Moreover, significant amendments in the Transfer Law and the issuance of the Practice Direction on Investigations have changed the legal framework applicable to Transfer cases. This is having an impact on all of the target groups that are the focus of this development intervention, as follows:

- **NPPA Prosecutors.** The Transfer Law created a unique hybrid procedure importing many common law procedural rules foreign to Rwanda's standard practice. For example, incriminating witnesses (other than purely corroborative witnesses) must be heard live, and there is a right to cross-examination. Further, evidence that was admissible at the International Criminal Tribunal for Rwanda (ICTR) can also be admitted in Transfer cases. The defense can also apply for a supplementary budget to conduct their own investigations. Each of these features is unique to Transfer cases and distinct from the standard penal procedure of other Rwandan criminal trials.

In addition, the Transfer Law allows parties and the bench to rely on international criminal jurisprudence to guide their legal arguments and decisions. So far, judges have given significant weight to the practice, procedure and substantive precedents set by the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Court (ICC). However, international criminal law is a complex and evolving field. Knowing how to research and apply the latest judicial precedents correctly and effectively is not something with which Rwandan prosecutors have previously had to engage.

- **The High Court Chamber of International Crimes (HCCIC) and Court of Appeal judges** are currently without "templates" for the preparation of written orders, decisions and judgements. The shift towards a "common law" system under the Transfer Law has given rise for an increased need for written orders and decisions, and reasoned judgements which set out, in sufficient detail, the judges' assessment of the evidence, legal conclusions, and reasons for the verdicts reached. Normally, a court has a "document bank" of templates, which are formatted in the same manner, and also contain a standard structure, or "boiler-plate" legal language, which remains constant between decisions, orders and judgements. Without these templates, Rwandan judges and their staff are reinventing the wheel with every legal document they draft, which is a problem with an extremely simple, efficient, and sustainable solution.

Also common at the international criminal courts and tribunals is a Chambers' "Practice Manual", a document provided to all new judges and legal staff, which is a step-by-step guide to the conduct and management of international criminal trials in the different trial stages; pre-trial, trial and appeal. This Manual, which has at its heart the relevant rules of procedure and evidence, ensures not only that the judges take all the steps necessary to ensure a fair and expeditious trial in the respective courts, but that the procedure implemented between the different trials is *consistent*, which also leads to legal and procedural certainty for the parties.

- **RBA practitioners** will also need to increase their knowledge of Transfer Law and how this has an impact on proceedings within international criminal law courts. Moreover, given the dynamic nature of international criminal law, additional databases and resources are being issued on a continual basis, and those practising in these areas should be familiar with them. Practical legal skills, such as (i) legal research, (ii) legal drafting, and (iii) courtroom advocacy skills not only improve with regular use and practice, but also decline if not maintained.

This proposal is, therefore, built on the following problem statement: *"The effective access to justice for all Rwandans involved in international criminal law cases is negatively affected by the limited knowledge of best practices of international criminal law, including internationally recognized rights of the accused and effective application of the Transfer Law, by prosecutors, lawyers and judges. The capacity of the latter to render judgements that are aligned with Transfer Law is fur-*

ther limited by the lack of templates and manuals for the preparation of written orders, decisions and judgements”.

2.1.2 Appraisal

No.	Criteria 2.1 Policy relevance	Indicators (score 0, 1, 2)	Score	EXPLANATION/ REFERENCES
2.1.1	The proposed intervention ties in with the operational objectives in the Explanatory Memorandum and the related policy memorandum (policy theory and intervention logic).	<input type="checkbox"/> The proposed intervention ties in with both the main objective and the secondary objectives.	2	
2.1.2	The proposed intervention ties in with the ODA priorities	<input type="checkbox"/> The proposed intervention ties in with more than one of the result areas of the BH&OS priorities.	2	
2.1.3	The proposed intervention ties in with the annual plan and the result chain of the MIB/MASP .	<input type="checkbox"/> The intervention is specifically mentioned in the result chain of the MIB/MASP.	2	
2.1.4	The relevance of the proposed intervention to the crosscutting themes of women's rights and gender equality / climate / PSD / coherence and strengthening of civil society organisations	<input type="checkbox"/> Not applicable.	0	The training does not relate to any of the crosscutting themes as it is focussed on educating the NPPA.
Total score (maximum 6 out of 8 points)			6	

2.2 Problem analysis and lessons learned

2.2.1 Description

This Project aims to address the challenges mentioned above by:

- Strengthening the capacity in international criminal law of national prosecutors of the International Crimes Unit of the NPPA who appear before the HCCIC and the Court of Appeals on Transfer cases, together with investigators (members of the judicial police), and/ or other lawyers and legal staff of the NPPA and Genocide Fugitive Tracking Unit (GFTU), who support the work of the International Crimes Unit.
- Providing technical assistance in international criminal law to the Rwanda Judiciary through the creation of (i) templates for written orders, decisions, and judgments (trial and appeal), and the delivery of

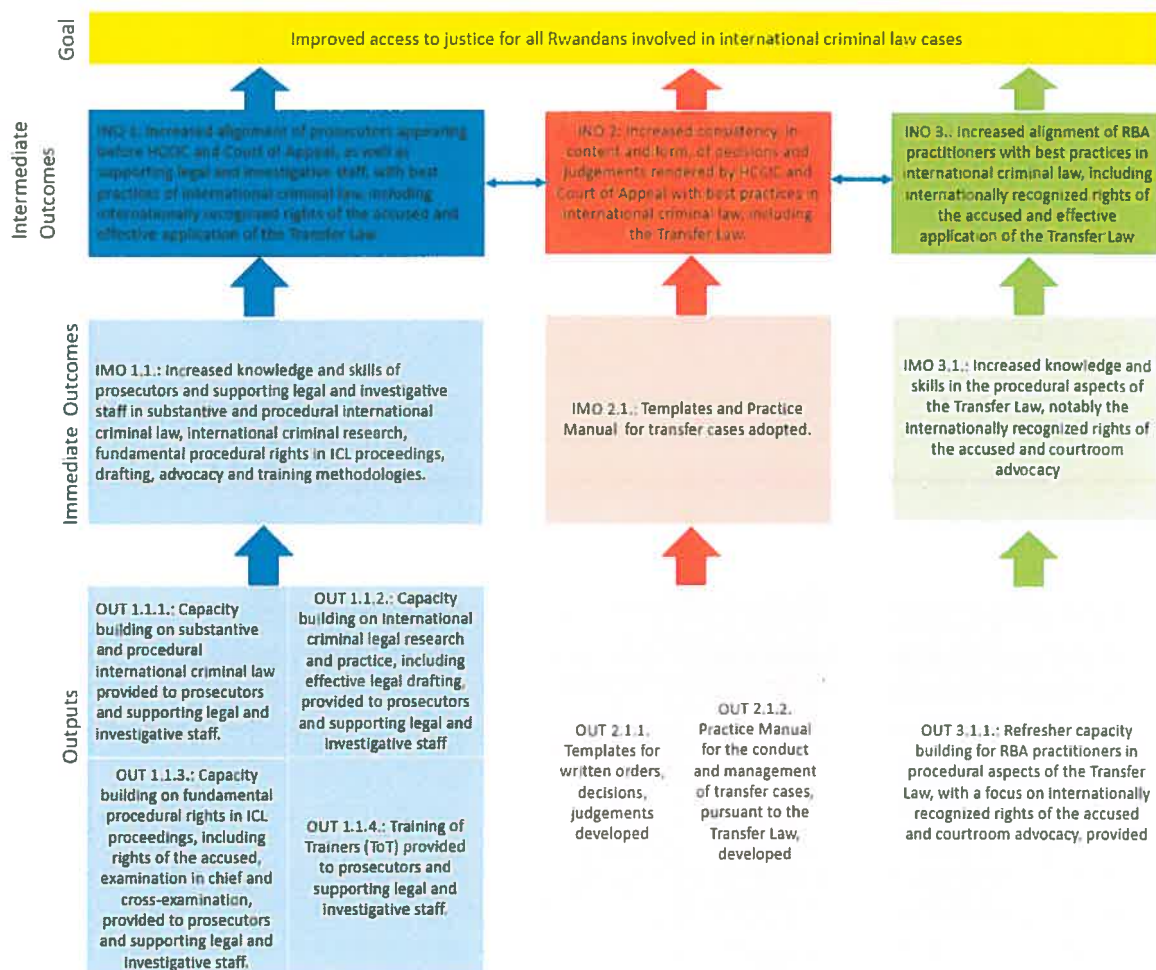
training on their use; and (ii) a comprehensive Practice Manual for the conduct and management of Transfer cases to ensure the consistent application of the Transfer Law procedure.

- Consolidating the knowledge of RBA practitioners on the Transfer Law and international criminal law, building on the results of the trainings previously provided through the Netherlands-funded Project on "capacity building in international criminal law the RBA" (2017-2018) implemented by IDLO. This increased knowledge will be achieved through a one-week refresher course, which will emphasize legal research, legal drafting, and advocacy skills for the RBA lawyers appearing in Transfer cases and appeals.

The Theory of Change proposes that:

- IF there is an increased alignment of prosecutors appearing before the HCCIC and the Court of Appeal, as well as supporting legal and investigative staff, with best practices of international criminal law, including internationally-recognized rights of the accused and effective application of the Transfer Law (Intermediate Outcome 1).
- IF there is increased consistency in content and form of decisions and judgements rendered by the HCCIC and the Court of Appeal with best practices in international criminal law, including the Transfer Law (Intermediate Outcome 2).
- IF there is increased alignment of RBA practitioners with best practices in international criminal law, including internationally-recognized rights of the accused and effective application of the Transfer Law.
- THEN there will be improved access to justice for all Rwandans involved in international criminal law cases.

The following Results Chain diagram illustrates the Project goal, outcomes and outputs, as well as the relevant interrelations.



2.2.2 Appraisal

Nr.	Criteria 2.2 Contextanalyse	Indicators (score 0,1,2)	Score	EXPLANATION/ REFERENCES
2.2.1	The proposal is based on a contextual analysis, from which a logical problem definition and objective are generated.	<input type="checkbox"/> The proposal is based on a analysis and results in a logical problem definition and objective.	2	
2.2.2	The proposal describes how the results of evaluations and/or studies feed into formulation of the proposal.	<input type="checkbox"/> The proposal clearly sets out how results from evaluations and/or studies contributed to formulation of the proposal.	2	
Total score (maximum 4 out of 4 punten)			4	

2.3 Objectives (outcomes), results (outputs), activities and resources, based on the SMART principle

2.3.1 Description

Intermediate Outcome 1: Increased alignment of prosecutors appearing before the HCCIC and the Court of Appeal, as well as supporting legal and investigative staff, with best practices of international criminal law, including internationally-recognised rights of the accused and effective application of the Transfer Law.

As mentioned in the Context Section above, it is essential to ensure that the NPPA national prosecutors appearing before the HCCIC and the Court of Appeal, as well as supporting legal/investigative staff, have increased capacity to prosecute the genocide suspects transferred to Rwanda for trial in accordance with the Transfer Law procedure and internationally-recognised rights of the accused. To this end, the proposed Project will provide tailor-made training to prosecutors, investigators (members of the judicial police), and/ or other lawyers and legal staff of the NPPA and the Genocide Fugitive Tracking Unit (GFTU). The training sessions will be developed and delivered by a Lead Consultant, who will be assisted by a Senior Consultant, under the overall direction of the Program Manager based in HQ.

Immediate Outcome 1.1: Increased knowledge and skills of prosecutors and supporting legal and investigative staff in substantive and procedural international criminal law, international criminal research, fundamental procedural rights in ICL proceedings, drafting, advocacy and training methodologies.

NPPA national prosecutors, as well as supporting legal and investigative staff, will receive a training session similar to that received by RBA lawyers. The training will ensure that NPPA prosecutors/supporting legal and investigative staff have a solid understanding of the scope and application of the rights of the accused in inter-

national criminal proceedings. However, particular emphasis will be placed on the prosecutor's ability under Chapter II of the Transfer Law to shape (and reduce) cases through reliance on facts established by, and evidence generated through, the ICTR. It will also contain modules on substantive international criminal law, legal research skills and the use of precedent, and new procedural aspects of the Transfer Law, including common law oral advocacy elements. An increase in the NPPA's reliance on provisions of the Transfer Law leading to more efficient and fair proceedings; development of legal research skills leading to an improved quality of pleading; and an increased emphasis on conducting proceedings in full respect for the rights of the accused. This Project will, therefore, complement the programming delivered to the RBA lawyers and the Judiciary, to ensure that the three main actors within Transfer cases have the same level of training in substantive and procedural international criminal law, and the application of the Transfer Law.

Based on the above, it is foreseen that the increased knowledge of prosecutors appearing before the HCCIC and the Court of Appeal, as well as supporting legal and investigative staff, will be achieved through the following output-level results:

- Output 1.1.1. Capacity building on substantive and procedural international criminal law provided to prosecutors and supporting legal and investigative staff.
- Output 1.1.2. Capacity building on international criminal legal research and practice, including effective legal drafting, provided to prosecutors and supporting legal and investigative staff
- Output 1.1.3. Capacity building on Fundamental procedural rights in international criminal proceedings, including rights of the accused, examination in chief and cross-examination, provided to prosecutors and supporting legal and investigative staff.
- Output 1.1.4. Training of Trainers (ToT) provided to prosecutors and supporting legal and investigative staff.

Intermediate Outcome 2: Increased consistency in content and form of decisions and judgements rendered by the HCCIC and the Court of Appeal with best practices in international criminal law, including the Transfer Law.

As mentioned in the Context Section above, the HCCIC and the Court of Appeal judges are currently without "templates" for the preparation of written orders, decisions and judgements. Without these templates, Rwandan judges and their staff are often forced to develop every legal document from scratch, which hinders both efficiency and harmonization of procedures. To address this challenge, the proposed Project will support the development of templates, as well as a Practice Manual for the conduct and management of transfer cases, ensuring alignment with the Transfer Law.

Immediate Outcome 2.1. Templates and Practice Manual for transfer cases adopted.

Templates for judicial orders, decisions, and judgments (both trial and appeal) will be created for use by the HCCIC and the Court of Appeal judges hearing Transfer cases. The templates aim to increase judicial economy and efficiency. Substantively, they will also bring consistency to the applicable legal standards (with discretion as to how to decide remaining with the Judges), leading to more efficient litigation by the parties who have a clearer idea of how to argue effectively before these judges, and on what basis issues are being decided. In practical terms, the development of the templates will involve three components: (i) drafting of the template documents themselves, with input from members of the Rwandan Judiciary in terms of both form and content, as well as translation into Kinyarwanda; (ii) a brief training for members of the judiciary and their staff on how to most effectively use the templates in their daily work; and (iii) collaboration with the IT staff within the Judiciary (or if necessary an external consultant) to ensure the creation of a secure site or document bank where the templates can be stored and accessed, and finalized decisions and judgments can be shared among the Judiciary.

The Practice Manual for the HCCIC and the Court of Appeals judges hearing Transfer cases, once developed, will be provided to the relevant members of the Rwandan Judiciary. This document, estimated to be 30-40 pages in length, would be a comprehensive, yet extremely user-friendly, step-by-step manual to guide the judges through each of the procedural steps mandated under the Transfer Law (or which can contribute to their efficient and fair conduct). It will include practical examples of how the Transfer Law has been interpreted by other benches; advice for the efficient management of complex case files; and options for obstacles regularly faced in the hearing of international criminal trials. The Manual will be developed in consultation with both judges and legal assistants of the HCCIC and the Court of Appeals, and will be translated into Kinyarwanda.

The adoption of both the Project Template and the Practice Manual will be achieved through the following output-level results:

- Output 2.1.1. Templates for written orders, decisions, judgements developed.
- Output 2.1.2. Practice Manual for the conduct and management of Transfer cases, pursuant to the Transfer Law, developed.

Intermediate Outcome 3: Increased alignment of RBA practitioners with best practices in international criminal law, including internationally-recognised rights of the accused and effective application of the Transfer Law

Practitioners from the RBA have already benefitted from the capacity building activities implemented through the 2017-2018 Project in Rwanda, implemented by IDLO with support from the Government of the Netherlands. This notwithstanding, given the increase in the volume of Transfer cases, the significant changes introduced through the Transfer Law, the issuance of the Practice Direction of investigation and the ever-changing nature of international criminal law, it is essential to refresh their knowledge.

Immediate Outcome 3.1. Increased knowledge and skills in the procedural aspects of the Transfer Law, notably the internationally-recognised rights of the accused and courtroom advocacy

Members of the RBA who have benefitted from the training provided by IDLO through the Project implemented in 2017-2018 will be provided with a one-week "refresher" course to consolidate and further build their knowledge. The Project will design and deliver the tailor-made the course. From the original 75 RBA members who attended the initial training, approximately 25 lawyers will be selected, in consultation with the RBA, and with an emphasis on those appearing on behalf of accused in Transfer cases or appeals. The training will focus specifically on legal drafting, legal research, and practical advocacy exercises. The increase in knowledge will be achieved through the following output-level result:

- Output 3.1.1. Refresher capacity building for RBA practitioners in procedural aspects of the Transfer Law, with a focus on internationally-recognised rights of the accused and courtroom advocacy.

2.3.2 Appraisal

No.	Criteria 2.3 Outcomes, outputs, activities and resources, based on the SMART principle	Explanation score (1 point per indicator)	Score	EXPLANATION/ REFERENCES

2.3.1	The objectives at outcome level are clearly formulated, fall within the proposal's span of influence and are realistic. The outcomes follow logically from the problem formulated.	<input checked="" type="checkbox"/> The outcomes are specifically formulated. <input checked="" type="checkbox"/> The objectives follow logically from the problem formulated. <input checked="" type="checkbox"/> The objectives fall within the proposal's span of influence and are realistic (taking account of its duration and local circumstances). <input checked="" type="checkbox"/> The objectives are acceptable to the target group and other stakeholders. <input checked="" type="checkbox"/> The objectives formulated are realistic bearing in mind the scope of the activities and the capacity of the (local) organisation(s).	5	<p>Additional appreciation gender indicator 1:</p> <p>For each outcome are relevant, gender specific performance indicators formulated. Please explain.</p>
2.3.2	Progress in achieving the outcomes can be determined objectively on the basis of measurable performance indicators.	<input checked="" type="checkbox"/> Relevant performance indicators have been formulated for each outcome. <input checked="" type="checkbox"/> A baseline measurement and a measurable target (quantitative and/or qualitative) have been formulated for each performance indicator.	2	
2.3.3	The outputs formulated are concrete and fall within the proposal's span of control. The outputs follow logically from the outcomes formulated.	<input checked="" type="checkbox"/> There is a clear link between the outputs and the outcomes, i.e. the outputs can be expected to contribute to achievement of the outcomes.	2	

		<input checked="" type="checkbox"/> The outputs formulated are realistic bearing in mind the scope of the activities and the capacity of the (local) organisation(s) .		
2.3.4	Progress in achieving the outputs can be determined objectively on the basis of measurable performance indicators.	<input checked="" type="checkbox"/> Relevant performance indicators have been formulated for each output.	2	
		<input checked="" type="checkbox"/> A baseline and a measurable target (quantitative and/or qualitative) have been formulated for each performance indicator.		
2.3.5	When the activity ends, its envisaged outputs will have a lasting effect for the ultimate target group.	<input checked="" type="checkbox"/> The proposal contains a clear vision (with objectives) as to how the activities will be continued when the intervention comes to an end.	2	
		<input checked="" type="checkbox"/> The proposal contains suitable criteria against which progress in continuing the activities can be measured.		
2.3.6	At the end of the activity, the envisaged outputs will have a lasting effect on the local partners.	<input checked="" type="checkbox"/> The proposal contains a clear vision (with objectives) as to how the quality of the activities and/or the financial independence of the local partner	2	
		<input checked="" type="checkbox"/> The proposal sets out suitable criteria against which progress in regard to institutional sustainability can be measured.		

Total score (maximum score 15 points)	15	
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2.4 Cooperation, harmonisation and added value

The proposed Project contributes to several Sustainable Development Goals (SDGs) and their respective targets, in particular: Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. The project will especially contribute to Target 3, which aims to: “Promote the rule of law at the national and international levels and ensure equal access to justice for all” and Target 6, which aims to “Develop effective, accountable and transparent institutions at all levels”.

	Risk	Influence on results of activity	Mitigating measures
1. Organisation's anti-fraud and anti-corruption policy	Low Failure to implement and follow the anti corruption policy.	Fraud would reduce funds reaching beneficiaries.	Training and periodic evaluations of the effectiveness of the policy are tools to minimise the risk.
2. Organisational structure and culture	Low Inadequate coordination of assembly of parties	Inadequate coordination would reduce the proper implementation of the budget	The board of advisers contributes to the preparation of the Assembly of Parties decisions and to their implementation by providing advisory opinions.
3. Monitoring, evaluation and quality of management	Weak implementation of audit recommendations and evaluation reports	The non implementation of recommendation would impact the result-oriented planning	With the results based management system, the risk will be minimised.
4. Financial and administrative management	Low The absence of a multi year budget	A multi year budget helps to anticipate moving toward multi – year outputs.	IDLO is developing and adopting output based budget to move forward to a multi year budget.

Integrity appraisal, including procedures regarding unacceptable behaviour

In June 2016, a CoCa-assessment was performed by the Dutch embassy in Nairobi, Kenya. The assessment scores of IDLO were as follows:

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The assessment also concluded that IDLO had:

- a zero-tolerance policy;
- active measures to prevent fraud and combat corruption;
- an existence of complaints office;
- sanctions towards employees and other relevant parties including full loss recovery;
- any past contact or involvement with fraud and corruption cases and their resolution.

Assessment of state aid risk	
1. Will the measure benefit an organisation that carries out economic activities?	No
<p>Will income be generated that could provide a livelihood? The organisation can also be a non-profit organisation.</p> <p>Give a short, clear description of the activities below.</p> <p><u>Further details:</u></p>	
2. As a result of the measure, has the organisation obtained an advantage that it would not have obtained under normal market conditions? (The measure should be described in the answer to question 1.)	No
<p>For more information, see the accompanying explanatory notes.</p> <p><u>Further details:</u></p>	
3. Is the advantage selective?	No
<p>'Selective' means that a small group of organisations/business enjoy an advantage.</p> <p>For more information, see the accompanying explanatory notes.</p> <p><u>Further details:</u></p> <p>{Brief description of organisations}</p>	
4. Does the advantage distort or potentially distort competition and could it affect trade between countries in the European single market?	No
<p>For more information, see the accompanying explanatory notes.</p> <p><u>Further details:</u></p>	
<p>If the answer to these questions is 'yes', please consult the European Law Division of the Legal Affairs Department (DJZ/ER) for advice.</p>	

V. IMPLEMENTATION

5.1 Budget

5.1.1 Breakdown of costs

State the overall cost of the activity and overheads. Indicate the various cost centres (activities and outputs) in the rows and cost types (e.g. personnel, equipment, etc.) in the columns.

<u>Output/direct costs</u>	<u>Costs A</u>
<u>Output 1</u>	EUR 28,070
<u>Output 2</u>	EUR 45,360
<u>Output 3</u>	EUR 43,450
<u>Output 4</u>	EUR 47,930

Output 5	<i>EUR 47,360</i>
Output 6	<i>EUR 12,055</i>
Output 7	<i>EUR 10,850</i>
Output 8	<i>EUR 71,338</i>
Output 9	<i>EUR 21,160</i>
Overhead 12%	<i>EUR 48,214</i>
Total	<i>EUR 450,000</i>

The size of the first payment will be EUR 300,000.

5.3 Monitoring

5.3.1 Narrative and financial reports

Organisational capacity is adequate, activity related risk is low and the amount is < EUR 500,000, outcome is 7: Narrative and financial reports are needed.

5.3.2 Audit opinion

N.A

5.3.3 IATI – International Aid Transparency Initiative

The organisation will report in accordance with the IATI standard, as set out in the BZ publication guidelines.

5.3.4 Annual plans and other reports

Not Applicable

5.3.5 Monitoring calendar

IDLO will provide one annual narrative and financial report and a final reports.

Report type	Period	Submission by
Narrative*	<i>01 Dec 2019 – 31 Dec 2020</i>	<i>31 Jan 2021</i>
Narrative IATI	<i>01 Dec 2019 – 30 June 2020</i>	<i>31 Jul 2020</i>
	<i>01 Jul 2020 – 31 Dec 2020</i>	<i>31 Jan 2021</i>
	<i>01 Jan 2021 – 30 Jun 2021</i>	<i>31 Jul 2021</i>
Financial	<i>01 Dec 2019 – 31 Dec 2020</i>	<i>31 Jan 2021</i>
Final narrative*	<i>01 Dec 2019 – 30 Jun 2021</i>	<i>30 Sep 2021</i>
Final financial	<i>01 Dec 2019 – 30 Jun 2021</i>	<i>30 Sep 2021</i>

** Narrative/ narrative IATI: reports on the contributions by third parties (inputs), outputs, outcome, sustainability and the spending of the Dutch contribution in accordance with the latest approved budget. If a financial report (other than the A statement) is submitted separately, please insert a line.*

5.3.6 Evaluations

Not Applicable

From: KIG
To: PLV-DGIS; PLV-DGPZ; DMV; DAF; DIZ; DVF
Subject: Rwanda Binnenlandse aangelegenheden
Date: donderdag 3 mei 2007 09:48:07

142

Kunt u dit bericht niet goed lezen? [Bekijk dan de online versie.](#)

3 mei 2007



Ministerie van Buitenlandse Zaken
Beleidsmedewerker

BZ-Vertrouwelijk

Rwanda Binnenlandse aangelegenheden

Van : KIG
Verzonden op : 3 mei 2007 09:48
Land/regio : Rwanda
Forum : -n.v.t.-
Thema : Binnenlandse aangelegenheden

Samenvatting

Recente ontwikkelingen tijdens de maand van de herdenking van de genocide maken duidelijk dat voor Rwanda de verwerking van de genocide van 1994 nog lang niet gedaan is. Onlangs kwam een onderzoeksrapport van de Senaat uit over de ideologie van de genocide. Ook heeft Rwanda een juridisch offensief gelanceerd tegen Frankrijk, waarin ze de internationale arrestatiebevelen van de rechter Bruguiere ongedaan willen maken en aandacht wil vestigen op de rol van Frankrijk in de genocide. De laatste tijd bericht de pers ook veel over geweld tegen Tutsi overlevers en/of gacaca getuigen, en zijn er geruchten over hardhandig optreden van de politie wanneer het zulke misdaden betreft.

Commentaar

10 2 a

Tijdens de maand van herdenking lijkt het gevoel van onveiligheid onder de Rwandese bevolking toegenomen. Dit blijkt uit berichtgeving in de pers over geweld en publieke uitspraken van de President waarbij hij een harde houding aanneemt tav geweld tegen overlevers en gacacagetuigen. Het vrijlaten van grote groepen gevangenen die betrokken waren bij de genocide en gacaca zijn hiervan de oorzaak. Belangrijke vraag is of het geweld werkelijk is toegenomen of dat het gaat om een perceptie. 10 2 a

Bericht

Dertien jaar na dato worden discussies in de Rwandese pers en acties van overheid nog steeds beheerst door de genocide. Een aantal gebeurtenissen tijdens de herdenkingsmaand april maken dat weer eens duidelijk

1) Op 26 april j.l. presenteerde de Senaat een onderzoeksrapport getiteld 'Ideologie van de genocide en strategie om over hoe hiermee om te gaan?'. Dit onderzoek loopt al sinds 2004 en werd uitgevoerd door de Nationale Universiteit van Rwanda. De resultaten zijn gebaseerd op 1900 interviews en vragenformulieren. Respondenten waren Rwandesen en ook buitenlanders. De respondenten wijzen kolonisatie en slecht overheidsbeleid aan als oorzaken van de genocide. Medeplichtig aan de uitvoering van de genocide waren media, kerken en buitenlanders. Diezelfde medeplichtigen zijn, volgens de geïnterviewden, ook verantwoordelijk voor het voortleven tot op de dag van vandaag van de ideologie van de genocide. Het rapport concludeert dat de ideologie van de genocide geenszins verdwenen is uit de Rwandese samenleving. De aanbevelingen zijn van algemene aard en in lijn met het staand beleid van Rwanda, namelijk aandacht voor herinnering, gerechtigheid, en compensatie voor de slachtoffers.

2) In de maand van de herdenking is ook de opgerichte speciale commissie, belast met het onderzoeken van de rol van Frankrijk tijdens de genocide zijn derde en laatste fase ingegaan. Deze commissie begon zijn werk in oktober 2006. Fases om en twee bestonden uit publieke verhoren van Rwandesen. In de derde fase worden buitenlanders gehoord. Een Belgisch voormalig kolonel, een journalist en een

ontwikkelingswerker, die ter plaatste waren tijdens de genocide, hebben al getuigd over een actieve rol van Franse adviseurs/soldaten bij de voorbereiding en uitvoering van de genocide. 10.2 a

3) In maart j.l. heeft Rwanda ook een speciale commissie opgericht die de gebeurtenissen van het neerhalen van het presidentiële vliegtuig in april 1994 gaat onderzoeken. Nog weinig is bekend over hoe deze commissie zal gaan werken. Naar verluidt zal ook deze commissie informatie presenteren die de betrokkenheid van Frankrijk bij het neerhalen van het vliegtuig aantonen.

4) In hetzelfde offensief tegen Frankrijk past het deponeren van een klacht bij het ICJ gericht op het ongedaan maken van drie van de 9 internationale arrestatiebevelen. Het argument is dat de internationale arrestatiebevelen die de Franse onderzoeksrechter tegen medewerkers van President Kagame uitvaardigde in november 2006, de soevereiniteit van Rwanda aantasten en het functioneren van het land bemoeilijken. Wederom moet eerst Frankrijk jurisdictie van het hof erkennen, alvorens de zaak ontvankelijk kan worden verklaard door het ICJ. Mogelijk zal Frankrijk de jurisdictie niet erkennen omdat de internationale arrestatiebevelen het resultaat zijn van een onafhankelijke rechterlijke uitspraak. 10.2 a

5) Ook hebben twee personen, waartegen het internationale arrestatiebevel loopt (10.2 en 10.2 e), een klacht ingediend bij een 10.2 a tribunaal. Rwanda streeft hier hetzelfde doel na. Omdat 10.2 a, als onderdeel van Schengen de personen die zich op 10.2 a grondgebied vertonen zullen arresteren wordt ook hier een uitspraak ontlokt over de correctheid van de gevolgde procedure en de wenselijkheid / schadelijkheid van de praktijk. 10.2 a

6) Vooral in de maand april en eigenlijk al sinds eind november vorig jaar bericht de pers veelvuldig over geweld tegen genocideoverlevenden en gacaca getuigen en rechters. Er zou in 2006 een lichte stijging van dergelijk geweld hebben plaatsgevonden. President Kagame heeft zich de afgelopen maanden meermalen uitgesproken tegen deze vorm van geweld en aangegeven dat de daders hard dienen worden aangepakt.

In de media wordt geen aandacht besteed aan de aanhoudende geruchten dat de Rwandese politie buitensporig hard optreedt tegen dergelijke misdaden. Human Rights Watch en de lokale mensenrechtenorganisatie Liprodhor maken melding van een aantal gevallen waarbij verdachten gedood worden door de politie bij een vluchtpoging. Volgens Liprodhor zijn de speeches van president Kagame aanleiding voor de politie om sneller over te gaan tot het gebruik van geweld. Naar verwachting zal over een maand een rapport van HRW verschijnen over deze vorm van politiegeweld.

Berichtgegevens

Aan : PLV-DGIS; PLV-DGPZ; dmv; DAF; DJZ; dvf
Opsteller : 10.2 e
Afgestemd : KIG 12 a.l.
Kenmerk : KIG046/2007
Type : Beleids
Prioriteit : Routine
Rubricering : BZ-Vertrouwelijk
Categorie : Verslag/Info
Referte : herdenking van de genocide
Geldig vanaf : 3 mei 2007

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Ministerie van Buitenlandse Zaken

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From: KIG
To: DMV; DAF; DSI
Subject: Rwanda Mensenrechten - 1) 10 2 e -zaak en 2) verkrachtingen van vrouwen in Rwanda
Date: woensdag 19 december 2007 07:58:07

145

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19 december 2007



Ministerie van Buitenlandse Zaken
BerichtMensenrechten

BZ-Vertrouwelijk

Rwanda Mensenrechten - 1) 10 2 e -zaak en 2) verkrachtingen van vrouwen in Rwanda

Van : KIG
Verzonden op : 19 december 2007 07:58
Land/regio : Rwanda
Forum : -n.v.t.-
Thema : Mensenrechten

Bericht

Samenvatting

- De 10 2 e zaak, in hoger beroep tot 19 jaar veroordeeld tijdens de gacaca-processen, zal door de Gacaca autoriteiten donderdag a.s., 20-12, worden geanalyseerd op fouten. N.a.v. die analyse zal actie worden ondernomen door de Rwandese overheid.

- In mensenrechtenrapport 2006 van 10 2 g (reeds toegestuurd aan DMV/MR) wordt melding gemaakt van een verontrustende hoeveelheid verkrachtingen en huiselijk geweld tegen vrouwen, van ongekende proporties sinds 1994.

Bericht

10 2 e

[Redacted content]

Mensenrechtenrapport 10 2 g

In mensenrechtenrapport 2006 van 10 2 g wordt melding gemaakt van het grote aantal verkrachtingen van vrouwen in dat jaar. Het rapport - ontvangen op 3 december 2007 - is inmiddels reeds toegestuurd aan DMV/MR).

Volgens het rapport zijn in 2006 1.718 personen voor de rechter gebracht voor verkrachting. Hiervan zijn er 103 veroordeeld tot levenslang en één persoon is zelfs ter dood veroordeeld (dit was voorafgaand aan het afschaffen van de doodstraf in 2007).

Volgens 10 2 g zijn 477 personen die beschuldigd waren van verkrachting, vrijgesproken. 10 2 g merkt op, zonder verdere informatie te verstrekken, dat verkrachting sinds 1994 tot ongekende proporties

is toegenomen.

"Op de politiebureaus nemen verkrachtingsmeldingen steeds toe en artsen die verkrachting voor de politie moeten vaststellen raken overwerkt", schrijft de organisatie. Volgens 102 g geven de cijfers van politie en artsen echter niet de werkelijke situatie weer en is de situatie feitelijk veel erger. "In de rurale gebieden worden veel verkrachtingszaken niet gemeld", schat 102 g

De verkrachtingszaken worden veelal op onderlinge wijze opgelost, variërend van het trouwen van het slachtoffer met haar verkrachter, tot geldelijke vergoeding. In deze laatste gevallen betaalt de verkrachter een geldbedrag aan de familie van het slachtoffer, vaak door bemiddeling van de lokale administratieve ambtenaar. Overigens zij ook nog vermeld dat een niet nader vastgesteld aantal van de kinderen die geboren worden uit een verkrachting te vondeling worden gelegd of door de moeder worden vermoord.

Berichtgegevens

Aan	: dmv; DAF; dsi
Opsteller	: 102 e
Afgestemd	: 12 a.i.
Kenmerk	: KIG100/07
Type	: Beleids
Prioriteit	: Routine
Rubricering	: BZ-Vertrouwelijk
Categorie	: Verslag/Info
Geldig vanaf	: 19 december 2007

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Ministerie van Buitenlandse Zaken

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From: KIG
To: DAF; DGIS; PLV-DGIS; RS; DVE; DMH; DEC
Subject: Rwanda Justitie - Access to Justice in Rwanda improved
Date: dinsdag 2 maart 2010 09:33:15

159

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2 maart 2010



Ministerie van Buitenlandse Zaken
Berichtenverkeer

Rijks-Intern

Rwanda Justitie - Access to Justice in Rwanda improved

Van : KIG
Verzonden op : 2 maart 2010 09:33
Land/regio : Rwanda
Forum : -n.v.t.-
Thema : Justitie

Samenvatting

Joint field visits of the Justice sector institutions and their development partners in February 2010 showed that a build-up of judicial capacity at the district level and below has taken root and has started to improve much-needed legal advice and council from the local level upwards. Delivery at the local level has been a concern in the preceding years of Dutch support to the justice sector. The visits showed concrete results in this area.

Commentaar

SBS to the Justice sector in Rwanda, although recently started, shows effective use of the instrument. Engagement by the central level of local structures is visible and operational. Although the 14 institutions that make up the sector are diverse, this joint field visit proved a constructive exercise in joint monitoring and evaluation. The MAJ have started to provide access to justice, free of charge, at the grassroots level. They provide an entry point at the very base of the judicial system and as such are making a substantial positive difference to the Rwandan population.

Bericht

Substantial Rwandan investments into the reform of the judicial sector (since 2004) seem to start making a tangible difference to the population at the district and local levels. Joint field visits of the 14 institutions that make up the Justice sector and their development partners that provide sectoral (budget) support were held in February 2010. The visits showed that a build-up of judicial capacity at the district level and below has taken root and has started to provide and improve much needed legal advice and council at all levels, i.e. Primary Court, Intermediate court and High Court level. Furthermore a new push by the Ministry of Justice for the installation of so called 'Maisons d'Acces au Justice' (MAJ) in all 30 districts, (14 so far installed) is providing an important awareness-raising impulse at the local level, which empowers people to seek justice in this country that is still haunted by its past.

The visits are an integral part of the agreed upon Partnership Principles in the Memorandum of Understanding underlying sectoral (budget) support to the Justice, Reconciliation, Law and Order Sector in Rwanda of 2009. Dutch support to the sector dates back to 1994, directly post-genocide and evolved in 2009 into the provision of sectoral budget support. Support started by actually building prisons and setting up new capacity to start replacing the judicial structures that were completely destroyed during the genocide. The recent visit of Rwandan Justice Minister Karagurama to the Netherlands provided another milestone in the bilateral relationship in the form of envisaged direct cooperation with the Dutch Ministry of Justice.

Access to justice at the local level has remained a cause of concern in the past years as much of the reforms seemed to benefit the central policy level without trickling down sufficiently in the form of legal advice and service provision at the grassroots level. This subject was an important part of the Dutch input into the first formal sector review exercise in 2009.

The visits covered substantial areas of the eastern, western and northern regions of the country. Various levels of courts, MAJ and local authorities were visited. The impression of the performance of the courts,

some of whom are direct beneficiaries of Dutch (PACT) support and which now have proper buildings with archive and library at their disposal, is professional and committed. As far as the MAJ are concerned the overall picture shows still limited housing and ICT facilities, but MAJ staff impress in their dedication to providing advice and services at the district level and lower. The MAJ and the courts are fully operational providing services to hundreds of people daily. An interesting concomitant factor was the imbeddedness of in particular the new MAJ in the local authoritative structures. Often the local mayors provide physical space for the MAJ offices and interaction is structural. A final positive effect of the visits was formed by a much welcomed communication of how joint sector support works from the central level to the decentral level. A clear message was delivered by the Ministry of Justice indicating that feedback from the decentral level was not only welcome but of great importance to ensure that insights at the central level include all relevant signals from the lower level in order to further enhance policy.

Berichtgegevens

Aan : DAF; DGIS; PLV-DGIS; RS; dvf; dmh; dec
Opsteller : 102 e
Afgestemd : CdP
Kenmerk : KIG/013/2010
Type : Beleids
Prioriteit : Routine
Rubricering : Rijks-Intern
Categorie : Verslag/Info
Geldig vanaf : 3 februari 2010

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Ministerie van Buitenlandse Zaken

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From: KIG
To: DAF; DGIS; PLV-DGIS; DGPZ; PLV-DGPZ; DVL; RS; BPZ; DIZ; MIN-ZUS
Subject: Rwanda Binnenlandse aangelegenheden - Oppositie probeert rechtspraak in Rwanda in diskrediet te brengen
Date: maandag 29 november 2010 15:11:30

165

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29 november 2010



Ministerie van Buitenlandse Zaken
Berichtnummer

BZ-Vertrouwelijk

Rwanda Binnenlandse aangelegenheden - Oppositie probeert rechtspraak in Rwanda in diskrediet te brengen

Van : KIG
Verzonden op : 29 november 2010 15:11
Land/regio : Rwanda
Forum : -n.v.t.-
Thema : Binnenlandse aangelegenheden

Samenvatting

De saamhorigheid van de oppositiebeweging in Rwanda is aan het verbrokkelen onder de constante druk van de Rwandese regering en de Openbare Aanklager. In toenemende mate wordt het duidelijk dat de banden tussen de drie partijen (UDF-I, PS-I en DGPR) niet alleen hecht waren, maar ook sterk verweven met oppositionele bewegingen buiten Rwanda. **11**

Twee ex-leden van resp. UDF en PS hebben een nieuwe partij opgericht, de RLR-Ubumwe. Habineza (DGPR) kiest ervoor om voorlopig in het buitenland te blijven. **11**

Commentaar

11, 10 2 a

Het lijkt erop dat de oppositie onder de constante druk van de Rwandese aanklager begint te desintegreren. Habineza van de Groenen, de enige die ook op inzet van de donorgemeenschap kon rekenen, lijkt tegen beter weten in te willen vasthouden aan de coalitie van oppositiepartijen. Met de uitglijders van leden van zowel UDF-I als nu ook PS-I staat dat gelijk aan politieke zelfmoord, waarbij hij ook nog eens zijn krediet in de Afrikaanse groene arena verspeelt. **11**

Tegelijkertijd ontstaat er ook druk op de extremistische Hutubeweging door de groeiende bereidheid van Europese landen om genocidairs aan Rwanda uit te leveren, zoals o.a. blijkt uit de Zweedse uitleveringszaak die in Straatsburg dient. **11**

Bericht

De stem van de oppositie, verenigd in het PCC (Permanent Consultative Council of Opposition Parties in Rwanda), is nu, enkele maanden na de Rwandese presidentsverkiezing, nog niet verstomd. Het is echter al enige tijd geleden dat de drie betrokken partijen (DGPR, UDF-Inkingi en PS-Imberakuri) gezamenlijk met een verklaring zijn gekomen. Dit komt voornamelijk vanwege de problemen waar de drie partijen mee worstelen.

UDF-Inkingi

Het proces tegen 10 2 e, leider van UDF-Inkingi, laat nog steeds op zich wachten. De rechter heeft sinds de aanhouding van een zekere 10 2 e op 13 oktober geen borgtocht meer willen verlenen aan 10 2 e. 10 2 e heeft veel belastende verklaringen afgelegd tegen 10 2 e, waarvan de intentie om een gewapende beweging op te zetten in Congo het zwaarste weegt. 10 2 e werkte onder vele namen en pendelde met grote regelmaat tussen Rwanda en Congo heen en weer. Ook 10 2 e maakte gebruik van zijn diensten tijdens haar turbulente start in de Rwandese politieke arena. De bulletins van UDF-Inkingi worden niet meer in PCC-kader uitgegeven, maar komen voornamelijk uit België, waaruit kan worden opgemaakt dat de capaciteit van het UDF-secretariaat in Kigali een beperkte capaciteit heeft. Het ontbreekt 10 2 e niet aan steun en adhesiebetuigingen, maar die komen steeds uit het buitenland (in Nederland vooral free-lance journaliste Anneke Verbraeken en advocaat Jan Hofdijk); lokale bronnen stellen met regelmaat dat het UDF, i.c. 10 2 e, geen draagvlak in Rwanda heeft.

Inmiddels heeft 10 2 e een stevig team van verdedigers aan haar zijde. Opvallend hierbij is dat voor het eerst ook de Nederlandse advocaat Julius von Bon wordt genoemd. Von Bon, die regelmatig in Rwanda is als lid van rogatoire missies, zet zich al langere tijd in voor 10 2 e. Daarnaast heeft ze twee Britse advocaten: Alun Jones en Iain Edwards. Beiden hebben ervaring met uitleveringszaken: Jones werd door Spanje ingehuurd om de uitlevering door het VK van Generaal Pinochet te bewerkstelligen. Tevens wist hij met succes de uitlevering te voorkomen van de Rwandese arts 10 2 e die werd verdacht van meervoudige moord tijdens de genocide. Edwards heeft zich ingezet voor de ICTR advocaat 10 2 e toen deze in Rwanda was gearresteerd. Edwards is zelf ook verbonden aan het ICTR waar hij verdachten van genocide verdedigt. 10 2 e lokale advocaat is Gatera Gashabana, die erg actief is. Hij stelt dat de verklaringen en e-mails van kroongetuige 10 2 e volgens de Rwandese wet niet ontvankelijk zijn omdat deze zelf ook is aangeklaagd. Ook de Britse advocaten stellen dat ze de indruk hebben dat de Openbare Aanklager nog erg weinig hard bewijs heeft. Dat leiden ze af uit het feit dat 10 2 e nog steeds niet officieel in staat van beschuldiging is gesteld.

PS-Imberakuri

Inmiddels is er weer een ontwikkeling geweest die niet in het voordeel van 10 2 e werkt: een lid van haar partij (ex lid? volgens FDU-Inkingi) heeft samen met de Secretaris Generaal van PS-Imberakuri, Theobald Mutarambirwa, (waarvan de leider, 10 2 e, al maanden gevangen zit) buiten Rwanda een nieuwe partij opgericht. Het gaat om de 'Rassemblement pour la Libération du Rwanda', de RLR-Ubumwe die zich presenteert als een 'revolutionaire' partij. Deze ontwikkeling is interessant omdat voor het eerst blijkt dat er een meer dan oppervlakkige link is tussen de FDU-I en de PS-I. Natuurlijk heeft Mw. Ingabire's UDF-I heeft meteen zorg uitgesproken over deze ontwikkeling en ook Frank Habineza van de DGPR is niet blij. Nadat 10 2 e was gearresteerd heeft Habineza intensief contact onderhouden met SG Mutarambirwa, o.a. voor de mede-ondertekening van PCC-bulletins. Zowel Mw. Ingabire als Frank Habineza zeggen te vrezen dat dit een plot is van de Rwandese overheid om meer feiten te creëren die in de rechtszaal tegen zowel 10 2 e als 10 2 e kunnen worden gebruikt. Overigens is alle commotie over de vermeende slechte behandeling en hongerstaking van 10 2 e van de baan: hij krijgt regelmatig bezoek van familie en partijgenoten (degenen die hem volgden na de splitsing in de PS-I). Hij krijgt eten dat buiten de gevangenis is bereid en verkeert, evenals 10 2 e overigens, in goede gezondheid.

Democratic Green Party of Rwanda

Met de derde partij van het PCC, de 'Groenen' van Frank Habineza lijkt het ook niet goed te gaan. 10 2 g
zijn lidmaatschap van het PCC-platform heeft zich overigens tegen hem gekeerd: de African Green Federation (AGF), waarin alle Afrikaanse Groene Partijen zijn verenigd, hebben Habineza gevraagd om per direct uit het PCC te treden. Ze vinden dat zijn innige contacten met Ntaganda en Ingabire schadelijk voor hem zijn en daarmee ook voor alle Groene partijen in Afrika. Habineza, die tot voorzitter was gekozen van de AGF, lijkt zich er weinig van aan te trekken. Integendeel, waar PS-I en FDU-I stelselmatig eigen bulletins uitbrengen lijkt Habineza koste wat het kost de PCC-gedachte in leven te willen houden. Vanuit de AGF is al bij monde van SG Dr. Papa Meisa Dieng (Senegal) aangegeven dat de andere Afrikaanse Groene Partijen massaal uit de AGF zullen treden als Habineza volhardt in zijn lidmaatschap van het PCC. Ook ligt er een stevige brief van de 'Ecological Party of Uganda' (EPU) waarin wordt gesteld dat de aanklachten tegen PCC-leden ook de Afrikaanse Groenen criminaliseren. Het is 'hij eruit of wij eruit' en voorlopig lijkt het, om onverklaarbare redenen, dat Habineza het op het laatste laat aankomen.

Zo langzamerhand kunnen de wederwaardigheden van Paul Rusesabagina niet meer in een update van de Rwandese oppositie ontbreken. Rusesabagina, werd wereldberoemd door de film 'Hotel Rwanda', waarin hij wordt opgevoerd als een held die tijdens de genocide Tutsi's verborg in zijn hotel, het Hotel des Mille Collines. In een boek van voormalig presidentsadviseur Alfred Ndahiro uit 2008 ('Hotel Rwanda, or the Tutsi Genocide as seen by Hollywood?'): staat dat Rusesabagina deze Tutsi's flink liet betalen voor zijn bescherming en dat degenen die het aan middelen ontbrak de deur werd gewezen. Een tot levenslang veroordeelde presentatrice van de beruchte Radio Television des Mille Collines (RTLM), dat in 1994 in belangrijke mate bijdroeg aan het zaaien van haat, zegt dat Rusesabagina namen aan de RTLM doorgaf. Dat was hetzelfde als een doodvonnis voor de betrokken Tutsi. Rwanda wil Rusesabagina nu dagvaarden op verdenking van het overmaken van geld naar leden van terroristische groeperingen zoals de FDLR.

10.2 a

De sterstatus van Rusesabagina zal het moeilijk maken om hem te vervolgen. Zijn 'Hotel Rwanda Rusesabagina Foundation' heeft Sean Tenner als directeur die in Obama's campagne team zat. Als senior policy advisor heeft Rusesabagina 10.2 e, met 20 jaar UN-ervaring, die als consultant werkt voor leden van zowel het congres als de senaat. Hotel Rwanda Fundraiser 10.2 e is nauw verbonden met Bobby Rush, een invloedrijke parlementair in Obama's Democratic Party. Rusesabagina's publiciste is Kitty Kurth, president van Kurth-Lampe, een bedrijf dat de eerste openbare speech voor Obama schreef in 2004 voor de Democratische Conventie en media-adviseur was voor Al Gore stichting. Het zou voor deze contacten rampzalig zijn als mocht blijken dat Rusesabagina de doodzonde had begaan van het overmaken van geld naar een terroristische groepering. 10.2 a

Berichtgegevens

Aan	: DAF; DGIS; PLV-DGIS; DGPZ; PLV-DGPZ; dvl; RS; BPZ; DJZ; min-jus
Opsteller	: Makken, FA
Kenmerk	: KIG067/2010
Type	: Beleids
Prioriteit	: Routine
Rubricering	: BZ-Vertrouwelijk
Categorie	: Verslag/Info
Referte	: Proces tegen 10.2 e weer uitgesteld
Geldig vanaf	: 29 november 2010

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Ministerie van Buitenlandse Zaken

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From: KIG
To: PLV-DGIS; DAF; DSO; DSH; TFVG
Subject: Rwanda - Gender - Lunch met FLOW partner
Date: maandag 23 maart 2015 16:59:07

10.2 g

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23 maart 2015



Ministerie van Buitenlandse Zaken
Berichtenverkeer

Rijks-Intern

Rwanda - Gender - Lunch met FLOW partner

10.2 g

Van : KIG
Verzonden op : 23 maart 2015 16:59
Land/regio : Rwanda
Thema : Gender

Samenvatting

Met ondersteuning van het FLOW-programma van het Ministerie van Buitenlandse Zaken, richt **10.2 g** zich op het verbeteren van levensonderhoud van kwetsbare plattelandsbevolking, hun capaciteiten om voor hun rechten op te komen en het bereiken van voedselzekerheid. Om dit te bereiken, zijn belangrijke speerpunten voor **10.2 g** gendergelijkheid en het verbeteren van de economische positie van vrouwen. In het kader van *International Women's Day*, werd **10.2 g** samen met een aantal partners op 9 maart 2015 uitgenodigd voor een lunch op de residentie.

Commentaar

De lunch met **10.2 g** gaf de ambassade goed inzicht in de bestemming van FLOW-fondsen. Het werd duidelijk dat **10.2 g** door haar nauwe samenwerking met lokale partners, effectief werkt aan de versterking van de positie van vrouwen in landelijke gebieden in Rwanda. De organisatie is goed op de hoogte van problemen en mogelijkheden en ondanks de kleinschaligheid maakt **10.2 g** een groot verschil in de levens van de mensen met wie ze werkt.

Bericht

10.2 g wordt gefinancierd door het *Funding Leadership and Opportunities for Women (FLOW)*. Dit fonds, dat is opgezet door het ministerie van Buitenlandse Zaken, financiert 34 projecten die zich richten op het verbeteren van de positie van vrouwen in meer dan honderd ontwikkelingslanden. **10.2 g** implementeert projecten in 10 Afrikaanse landen d.m.v. financiering via FLOW. Naast deze financiering, is **10.2 g** afhankelijk van financiering per project. Partners van **10.2 g** zijn o.a. **10.2 g** en **10.2 g**.

10.2 g werkt veel samen met lokale civil society partners, bijvoorbeeld met de **10.2 g**, een organisatie die zich richt op de versterking van capaciteit van boeren. Wat **10.2 g** met zijn lokale partners gemeen heeft, is dat ze zich allen richten op het verbeteren van omstandigheden binnen het microniveau van de Rwandese samenleving.

Strategieën voor gendergelijkheid

10.2 g ziet een groot gat tussen gendergelijkheid op top-down elite niveau en op bottom-up niveau van de community. Waar op politiek niveau Rwanda één van de vooruitstrevendste landen is wat betreft gendergelijkheid, valt er op lokaal niveau nog een hoop te verbeteren. In de politiek wordt er niet gekeken naar de situatie en belangen van vrouwen op lokaal niveau, waardoor men zich op landelijk niveau vaak niet bewust is van de moeilijke situaties voor vrouwen op het platteland. **10.2 g** streeft ernaar dit gat op te vullen door enerzjds de politiek te informeren over de situatie van vrouwen op microniveau, en door anderzjds op het kleinste microniveau van de familie aan economische kansen te werken en vrouwen bewust te maken van hun rechten.

Uitdagingen voor vrouwen

Op community-niveau heeft **10.2 g** een aantal kernpunten geïdentificeerd als grootste problemen waar vrouwen in landelijke gebieden van dag tot dag mee worstelen. Deze problemen zijn: toegang tot en bezit van land, onderdeel uitmaken van (profitable) value chains in agricultuur, huiselijk geweld en seksueel geweld, en bijdragen aan nationale discussies over het versterken van de positie van vrouwen. Via lokale partners verenigt **10.2 g** vrouwen in economische coöperatieven, waardoor hun onderhandelingspositie wordt versterkt. Als groepen kunnen vrouwen vaak makkelijker land verkrijgen en bijdragen aan agricultuur value chains. Verder zorgt het collectief gevoel ervoor dat gevoelige onderwerpen zoals huiselijk- en seksueel geweld makkelijker besproken

kan worden **10 2 g** was in 2014 verantwoordelijk voor het verzamelen van input voor de post-2015 discussie, wat ervoor gezorgd heeft dat de stem van de plattelandsvrouwen op nationaal niveau werd gehoord en verdedigd.

Geleerde lessen

Een voorbeeld van een succesverhaal is het verhaal van **10 2 e** uit het district Kamonyi, die lid is van een sociaal forum dat ondersteund wordt door **10 2 g** door middel van het FLOW-programma. Door de ondersteuning die haar groep ontving zijn ze in staat geweest om de productie van rode uien te verhogen, op grotere schaal te verkopen en een betere prijs en markt te vinden. **10 2 g** maakte dit mogelijk door verbeterde uienzaden te verschaffen, waardoor de oogst veel groter is geworden. De groep heeft spaargeld ingezet om meer land te kopen en een lening afgesloten waardoor e k lid van hun groep een matras kon kopen.

Berichtgegevens

Aan : PLV-DGIS; DAF; DSO; DSH; TFVG
Opsteller : **10 2 e**
Afgestemd : Cuelenaere, Leon
Kenmerk : KIG-2015/016
Type : Beleids
Prioriteit : Routine
Rubricering : Rijks-Intern
Categorie : Verslag/Info

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From: KIG-CDP
To: M; R; DGIS; DGPZ; PLV-DGIS; PLV-DGPZ; DAF; BEB; DCM; DOE; DSH; PS; RS; KAM; KSS; BUI
Subject: Rwanda - Bilateraal - Bezoeken - Bezoek Tweede Kamer Cie Buitenlandse Handel en Ontwikkelingssamenwerking
Date: maandag 24 augustus 2015 10:48:51
Attachments: geannoteerde_agenda.docx

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24 augustus 2015



Ministerie van Buitenlandse Zaken
Berichtenverkeer

Rijks-Intern

Rwanda - Bilateraal - Bezoeken - Bezoek Tweede Kamer Cie Buitenlandse Handel en Ontwikkelingssamenwerking

Van : KIG-CDP
Verzonden op : 24 augustus 2015 10:48
Land/regio : Rwanda
Forum : Bilateraal
Thema : Bezoeken

Samenvatting

Bezoek Tweede Kamer Cie aan Rwanda succesvol verlopen. Het heeft goed de (ratio van) de Nederlandse presentie in Rwanda laten zien. Heikele punten in gesprekken met President en andere autoriteiten niet geschuwd. delegatie heeft ook beter beeld van context en waar Rwanda, 21 jaar na de genocide, vandaan komt.

Commentaar

zie bericht

Bericht

Op donderdagmiddag 20 augustus hebben wij een delegatie van de Tweede Kamer Cie voor Buitenlandse Handel en Ontwikkelingssamenwerking naar de grens van Rwanda en Oeganda begeleid alwaar zij werden opgewacht door onze collega's van de post Kampala. Hiermee werd een succesvol bezoek (15-20 augustus) aan Rwanda afgesloten.

10.2 g

Het doel van het bezoek was voor de Kamerleden om zich op de hoogte te stellen van politieke, economische en sociale ontwikkelingen in Rwanda en van de staat van de stand van zaken van de uitvoering van OS/handelsagenda, inclusief het Regionale GM programma, evenals zaken gerelateerd aan asiel en migratie en 1F zaken. Deze post had zich naast het faciliteren en begeleiden van dit bezoek op bovengenoemde zaken tot doel gesteld de delegatie een genuanceerd beeld te bieden (discussie is immers vaak nogal zwart/wit) en om de complexiteit van de situatie in Rwanda te laten zien.

10.2 a

bezoek is als bijlage aan dit bericht gevoegd. Hierbij is ook aangegeven aan welke programmaonderdelen de Rwandese parlementariërs uiteindelijk hebben deelgenomen.

Het bezoek aan het vluchtelingenkamp Mahama (op dat moment verbleven daar 31000 Burundese vluchtelingen) maakte grote indruk op de delegatie en dit gold in nog sterkere mate voor het bezoek, incl. kranstegging, aan het Gisozi genocide monument en museum.

10.2 a



Berichtgegevens

Aan : M; R; DGIS; DGPZ; PLV-DGIS; PLV-DGPZ; DAF; beb; dcm; DDE; DSH; PS; RS; KAM;
KSS; BUJ
Opsteller : Frédérique de Man
Afgestemd : 10 2 e
Kenmerk : KIG-32
Type : Beleids
Prioriteit : Routine
Rubricering : Rijks-Intern
Categorie : Verslag/Info

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