

UNITED  
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MICT-12-21  
31-12-2018  
(301 - 296)

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International Residual Mechanism for Criminal  
Tribunals

Case No: MICT 12-21

Date: 28<sup>th</sup> December 2018

Original: English

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. Olufemi Elias

**PROSECUTOR**

vs.

**LADISLAS NTAGANZWA**

**PUBLIC**

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**MONITORING REPORT FOR NOVEMBER 2018**

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**Monitors:**

Nzamba Kitonga (S.C)  
Ms. Ely C. Sainna

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## INTRODUCTION

1. Pursuant to the Terms of Reference for the Monitors, particularly part "C" of Annex II to the MOU between the International Residual Mechanism for Criminal Tribunals ("IRMCT" or "Mechanism") and the Kenya Section of the International Commission of Jurists ("ICJ Kenya"), we respectfully submit this Monitoring Report to the President of the Mechanism through the Registrar.
2. This report pertains to interactions of the Monitors, Mr. Nzamba Kitonga (S.C) and Ms. Elsy Sainna appointed by the Mechanism ("the Monitor") to monitor the proceedings in the case of Mr. Ladislav Ntaganzwa during the month of November 2018 ("the Reporting Period").
3. During the Reporting Period, the Monitor undertook two monitoring missions to Rwanda; from the 14<sup>th</sup> to 15<sup>th</sup> November 2018 during which a hearing was held on 15<sup>th</sup> November 2018 and from 2<sup>nd</sup> to 4<sup>th</sup> December 2018 where the Monitor held discussions with Mr. Ladislav Ntaganzwa at Mpanga Prison.
4. A detailed report on the activities during the Reporting Period is provided below.

## DETAILED REPORT

### Monitoring Mission from 14<sup>th</sup> to 15<sup>th</sup> November 2018

#### High Court hearing held on the 15<sup>th</sup> November 2018

5. The court session commenced at 9.30 am. The Accused was present in court and was represented by Defence Counsels Alex Musonera and Laurent Bugabo. The Prosecution was represented by Counsel Claudine Dushimimana.
6. The bench composed of Presiding Judge Hon. Justice Muchima Antoine, and Hon. Justice Ndagijimana Eugene and Hon. Justice Nukamurenzi Beatrice.
7. The matter was listed for Defence hearing where the Accused was to continue with his testimony in response to the Prosecution submissions on his indictment.

8. At the invitation of the court, the Accused was asked to pick up from where he left at the last hearing, but the Accused requested the court for an adjournment indicating that he was not ready to proceed.
9. The Accused provided the following reasons: that he had been found in possession of a mobile phone which was against prison rules and regulations. The prison authorities had confiscated the phone, subjected him to harassment, threatened to beat him up and intimidated him for breaching the prison regulations.
10. The Accused explained that as result of this, he had been placed in solitary confinement for 25 days as punishment until 15.11.2018 until today he was brought to court for the hearing.
11. The Accused further explained that while in isolation, he was not able to prepare for the hearing as he was neither allowed access to his laptop nor contact with anyone. Having access to his laptop would have enabled him prepare for the hearing.
12. In response, Defence Counsels supported the Accused application for adjournment stating that it had merit.
13. The Prosecution concurred stated that her office would inquire into the allegations of harassment, threats and intimidations.
14. The court considered the application, ruled that it had merit and directed that the hearing would be adjourned to 18.12.2018.

#### **Monitoring Mission from 2<sup>nd</sup> to 4<sup>th</sup> December 2018**

#### **Meeting with Mr. Ladislav Ntaganzwa held on 3<sup>rd</sup> December 2018**

15. The Monitor met with the Accused at the Mpanga Prison. The meeting was held with the assistance of an Interpreter.

16. Mr. Ntaganzwa began by informing the Monitor that he had recently completed a 25 day solitary confinement for having been found with a mobile phone which was against the prisons rule and regulations.
17. Describing the incident that while he had profusely apologised, he had nevertheless accepted the punishment as it had been subjected to other prisoners in similar circumstances also found in possession of a mobile phone.
18. Mr. Ntaganzwa further informed the Monitor that he had been threatened by the prison authorities with corporal punishment but he had had a lucky escape because a further thorough security search was conducted on the same day, distracting the authorities, just before he was placed in isolation.
19. That during the security search, his laptop was confiscated and was returned to him after one day. He was concerned that the prison authorities, in accessing his laptop, had read through his documents and in so doing violated his right to privacy.
20. Because he had been placed in isolation, this affected his capacity to prepare for the hearing which was coming up on the 15<sup>th</sup> November 2018. He was later informed that his Defence Counsels had come to see him on the 5<sup>th</sup> November 2018 ahead of the trial. Although the prison authorities spoke with his Defence Counsels and did not allow them to speak to Mr. Ntaganzwa, they assured them that Mr. Ntaganzwa would be realised temporarily so that he could attend his hearing. The Defence Counsels notified the prison authorities that they would update the court of what had transpired at this prison visit. In the circumstances, the hearing did not proceed and was rescheduled to the 18<sup>th</sup> December 2018.
21. Mr. Ntaganzwa noted that despite what had transpired in November, he was ready to proceed with the hearing on the 18<sup>th</sup> December 2018.
22. On detention conditions, Mr. Ntaganzwa indicated that he did not have any comment or new information to provide to the Monitor.

## CONCLUSION

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

Dated this 28<sup>th</sup> day of December 2018

Respectfully submitted,

*//Elsy C. Sainnal//*

Ms. Elsy Sainna

Monitor for the *Ntaganzwa* case

Nairobi, Kenya.



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<b>Date Created/ Daté du :</b>	28-12-2018	<b>Date transmitted/ Transmis le :</b> 28- 12-2018	<b>No. of Pages/ Nombre de pages :</b> 6
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Rev: April 2014/Rév. : Avril 2014