

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-22-124

Date: 18 July 2022

Original: English

IN THE APPEALS CHAMBER

Before: Judge Graciela Gatti Santana, Presiding
Judge Seon Ki Park
Judge Margaret M. deGuzman

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 18 July 2022

IN THE MATTER OF

**FRANÇOIS-XAVIER NZUWONEMEYE
PROSPER MUGIRANEZA
PROTAIS ZIGIRANYIRAZO
ANATOLE NSENGIYUMVA
ALPHONSE NTEZIRYAYO
ANDRÉ NTAGERURA
THARCISSE MUVUNYI
INNOCENT SAGAHUTU**

PUBLIC

**DECISION ON A REQUEST FOR RECONSIDERATION OF
DECISION OF 27 MAY 2022 ON ASSIGNMENT OF COUNSEL**

Counsel for the Relocated Persons:

Mr. Peter Robinson for Mr. François-Xavier Nzuwonemeye
Ms. Kate Gibson for Mr. Prosper Mugiraneza
Mr. John Philpot for Mr. Protais Zigiranyirazo
Ms. Allison Turner for Mr. Anatole Nsengiyumva
Mr. Iain Edwards for Mr. Alphonse Nteziryayo
Ms. Barbara van Straaten for Mr. André Ntagerura
Ms. Abbe Jolles for Mr. Tharcisse Muvunyi
Mr. Jean Flamme for Mr. Innocent Sagahutu

THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

RECALLING that, on 27 May 2022, the Appeals Chamber issued a decision, dismissing an appeal by Mr. Innocent Sagahutu (“Sagahutu”) against a decision of the Duty Judge of the Arusha branch of the Mechanism (“Duty Judge”), which denied Sagahutu’s request for assignment of counsel at the Mechanism’s expense;²

BEING SEISED OF a motion filed on 27 June 2022, in which Sagahutu seeks reconsideration of the Decision of 27 May 2022³ on the basis that the Appeals Chamber: (i) erred in law in failing to consider his arguments and provide a reasoned opinion;⁴ (ii) erred in law in finding that Article 19(4)(d) of the Statute of the Mechanism is not applicable to the present case;⁵ and (iii) erred in fact in upholding the Duty Judge’s finding that no exceptional circumstances existed to warrant the assignment of counsel at the expense of the Mechanism;⁶

RECALLING that a party requesting reconsideration of a decision must satisfy the chamber of the existence of a clear error of reasoning in the impugned decision, or of particular circumstances justifying reconsideration in order to avoid injustice, such as any new facts;⁷

CONSIDERING that Sagahutu essentially disagrees with the outcome of the Decision of 27 May 2022 and merely repeats arguments that the Appeals Chamber considered and rejected in the impugned decision without demonstrating any error of reasoning or any circumstances justifying reconsideration in order to avoid injustice, such as any new facts;⁸

FINDING, therefore, that Sagahutu fails to demonstrate any grounds for reconsideration of the Decision of 27 May 2022;

FOR THE FOREGOING REASONS,

¹ Order Assigning Judges to a Bench of the Appeals Chamber, 12 July 2022, p. 1.

² Decision on Motions to Appeal Decision Denying Assignment of Counsel, 27 May 2022 (“Decision of 27 May 2022”), pp. 1-2, 5. *See* Decision on Innocent Sagahutu’s and Anatole Nsengiyumva’s Requests for Assignment of Legal Aid Counsel, 16 February 2022. *See also* Decision on Motions to Appeal Decision of 8 March 2022, for Reconsideration of Decision of 15 March 2022, and to Appear as *Amicus Curiae*, 27 May 2022 (“Decision on Motions to Appeal and for Reconsideration”).

³ Request for Reconsideration on Behalf of Mr. Innocent Sagahutu, 27 June 2022 (original filed in French; English translation filed on 4 July 2022) (“Request for Reconsideration”), para. 1, p. 16.

⁴ Request for Reconsideration, paras. 2, 15, 17, 19, 21, [23]-26.

⁵ Request for Reconsideration, para. 27.

⁶ Request for Reconsideration, paras. 2, 15-18, 22.

⁷ Decision on Motions to Appeal and for Reconsideration, para. 45 and references cited therein.

⁸ *Cf.* Request for Reconsideration, paras. 15-27 *with* Decision of 27 May 2022, pp. 2-5, n. 13. *See also* Appeal on Behalf of Mr Innocent Sagahutu, 22 February 2022 (original filed in French; English translation filed on 3 March 2022), paras. 2, 15-25.

HEREBY DENIES the Request for Reconsideration in its entirety.

Done in English and French, the English version being authoritative.

Done this 18th day of July 2022,
At Arusha,
Tanzania



Judge Graciela Gatti Santana
Presiding Judge

[Seal of the Mechanism]



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