



International Residual Mechanism
for Criminal Tribunals

Case No. MICT-12-29-R

Date: 22 July 2019

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Joseph E. Chiondo Masanche
Judge Lee G. Muthoga
Judge Aminatta Lois Runeni N'gum
Judge Gberdao Gustave Kam

Registrar: Mr. Olufemi Elias

Order of: 22 July 2019

PROSECUTOR

v.

AUGUSTIN NGIRABATWARE

PUBLIC

FURTHER ORDER SCHEDULING REVIEW HEARING

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Thembile Segoete

Counsel for Augustin Ngirabatware:

Ms. Diana Ellis
Mr. Sam Blom-Cooper

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International Residual Mechanism for Criminal Tribunals
22/07/2019 16:12

A handwritten signature in black ink, appearing to be 'S. Blom-Cooper'.

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

RECALLING that, on 18 December 2014, the Appeals Chamber: (i) affirmed Augustin Ngirabatware’s convictions for committing direct and public incitement to commit genocide and instigating and aiding and abetting genocide; (ii) reversed Ngirabatware’s conviction for rape as a crime against humanity; and (iii) imposed a sentence of 30 years of imprisonment;²

RECALLING that, on 19 June 2017, the Appeals Chamber granted Ngirabatware’s request for review of his convictions, finding that in view of new information of an evidentiary nature, which constitutes a new fact for the purpose of Rule 146 of the Rules of Procedure and Evidence (“Rules”), a review of the Appeal Judgement is warranted;³

RECALLING further that the Appeals Chamber determined that a hearing should be held, pursuant to Rule 147 of the Rules, to allow the parties to provide supporting and rebuttal evidence concerning the new fact (“Review Hearing”);⁴

RECALLING that the Appeals Chamber adjourned the Review Hearing on two occasions in order to provide Ngirabatware adequate time to prepare;⁵

RECALLING that, on 7 December 2018, the Appeals Chamber ordered that the Review Hearing shall be held in September 2019 at the Mechanism’s branch in Arusha, Tanzania, and informed the parties that the modalities of the review hearing will be determined in due course;⁶

CONSIDERING that Ngirabatware bears the burden of proving the new fact;⁷

PURSUANT to Article 24 of the Statute and Rules 55 and 147 of the Rules;

HEREBY ORDERS that the Review Hearing shall be held from Monday, 16 September 2019, up until Friday, 27 September 2019, if necessary, at the Mechanism’s branch in Arusha, Tanzania;

¹ See Order Replacing a Judge in a Case Before the Appeals Chamber, 23 July 2018, p. 1.

² *Augustin Ngirabatware v. The Prosecutor*, Case No. MICT-12-29-A, Judgement, 18 December 2014 (“Appeal Judgement”), para. 279. See also *The Prosecutor v. Augustin Ngirabatware*, Case No. ICTR-99-54-T, Judgement and Sentence, pronounced on 20 December 2012 and issued in writing on 21 February 2013, para. 1394.

³ Decision on Ngirabatware’s Motion for Review, 19 June 2017 (public and redacted) (“Review Decision”), pp. 2, 3.

⁴ Review Decision, p. 3.

⁵ See Decision on Defence Counsel’s Motion to Withdraw, 19 December 2017, p. 2; Decision on Motion to Adjourn the Review Hearing, 14 September 2018, p. 2.

⁶ Decision in Relation to Review Hearing, 7 December 2018 (“Decision of 7 December 2018”), p. 3.

⁷ Decision of 7 December 2018, p. 3.

INFORMS the parties that the Appeal Chamber will hold hearings each day, unless otherwise decided, as follows:

9:30 – 11:00 hearing (90 minutes)

11:00 – 11:30 break (30 minutes)

11:30 – 13:00 hearing (90 minutes)

13:00 – 14:30 break (90 minutes)

14:30 – 16:00 hearing (90 minutes)

INFORMS the parties that, at the conclusion of the presentation of evidence by Ngirabatware, the Appeals Chamber will hear oral submissions from the parties for the purpose of determining whether Ngirabatware has presented sufficient evidence capable of belief to establish the new fact;

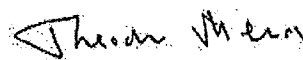
INFORMS the parties that, if the Appeals Chamber considers it necessary to hear rebuttal evidence from the Prosecution, each party shall have one hour to present final submissions at the conclusion of the Review Hearing;

REQUESTS the Registrar to make the necessary arrangements for the Review Hearing as scheduled; and

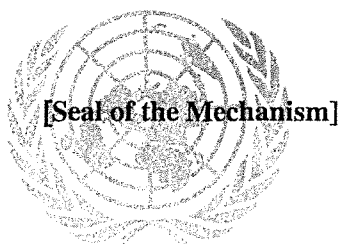
INFORMS the parties that the modalities of the Review Hearing, including the scope of evidence to be presented, will be determined in due course.

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

Done this 22nd day of July 2019,
At Arusha,
Tanzania



Judge Theodor Meron, Presiding





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Case Name/ Affaire :	Prosecutor v. Augustin Ngirabatware	Case Number/ Affaire n° :	MICT-12-29-R
Date Created/ Daté du :	22 July 2019	Date transmitted/ Transmis le :	22 July 2019
		No. of Pages/ Nombre de pages :	3
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda B/C/S
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Title of Document/ Titre du document :	Further Order Scheduling Review Hearing		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
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Rev. July 2018/ Rév. : juillet 2018