

MICT-12-29-R
14-09-2018
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UNITED
NATIONS



International Residual Mechanism
for Criminal Tribunals

Case No. MICT-12-29-R
Date: 14 September 2018
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

Decision of: 14 September 2018

PROSECUTOR

v.

AUGUSTIN NGIRABATWARE

PUBLIC

**DECISION ON MOTION TO ADJOURN
THE REVIEW HEARING**

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Veronic Wright

Counsel for Augustin Ngirabatware:

Ms. Diana Ellis
Mr. Sam Blom-Cooper

**Received by the Registry
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A handwritten signature in black ink, appearing to be the initials 'TB'.

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

RECALLING that, on 19 June 2017, the Appeals Chamber: (i) granted Augustin 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 in the case of *The Prosecutor v. Augustin Ngirabatware*, Case No. ICTR-99-54 is warranted; and (ii) 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;²

RECALLING that, on 27 July 2018, the Appeals Chamber scheduled the review hearing from 24 September 2018 until 28 September 2018;³

RECALLING that, on 7 September 2018, the Pre-Review Judge instructed the parties to file submissions on the order of the testimony of the witnesses each intends to call at the review hearing, and the time estimated for the examination-in-chief of each witness;⁴

BEING SEISED OF a motion filed on 12 September 2018,⁵ in which Ngirabatware requests that the review hearing be adjourned and informs the Appeals Chamber that he is unable to indicate the order in which he intends to call witnesses at the review hearing or the time estimated for their examination-in-chief;⁶

NOTING Ngirabatware’s submission that, in view of the recent disclosure by the Prosecution of voluminous material originating from the case of *Maximilien Turinabo et al.*, Case No. MICT-18-116, as well as further anticipated disclosure, Ngirabatware requires additional time to prepare for the review hearing;⁷

NOTING that the Prosecution does not oppose the Motion;⁸

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

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

³ Further Order Scheduling Review Hearing, 27 July 2018 (“Scheduling Order”), p. 2.

⁴ Order for Submissions, 7 September 2018 (confidential), p. 1.

⁵ Motion to Adjourn the Review Hearing & Response to Order for Submissions Re: Scheduling, 12 September 2018 (confidential) (“Motion”).

⁶ Motion, paras. 19, 20.

⁷ See Motion, paras. 4, 9-18.

⁸ Prosecution’s Response to Ngirabatware’s Motion to Adjourn the Review Hearing, 13 September 2018 (confidential), paras. 1, 3.

CONSIDERING that, in view of the amount of the disclosed material and its direct relevance to the review proceedings, it is appropriate to adjourn the review hearing until further order of the Appeals Chamber in order to provide Ngirabatware adequate time to prepare;

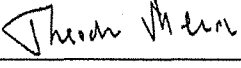
FOR THE FOREGOING REASONS,

HEREBY GRANTS the Motion; and

VACATES the Scheduling Order.

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

Done this 14th day of September 2018,
At The Hague,
The Netherlands



Judge Theodor Meron, Presiding

[Seal of the Mechanism]





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