



International Tribunal for the Prosecution of Persons
Responsible for Serious Violations of International
Humanitarian Law Committed in the Territory of Rwanda
and Rwandan Citizens responsible for genocide and other
such violations committed in the territory of neighbouring
States, between 1 January 1994 and 31 December 1994

Case No.: ICTR-98-39-A

Date: 14 February 2000

Original: French

IN THE APPEALS CHAMBER

Before: Judge Claude JORDA, Presiding
Judge Lal Chand VOHRAH
Judge Mohamed SHAHABUDEEN
Judge Rafael NIETO-NAVIA
Judge Fausto POCAR

Registrar: Mr Agwu U OKALI

Decision of: 14 February 2000

Omar SERUSHAGO
(Appellant)

v
THE PROSECUTOR
(Respondent)

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JUDGMENT (APPEAL AGAINST SENTENCE)

Counsel for the Appellant
Mr Mohamed ISMAIL

Counsel for the Prosecutor
Mr Bernard MUNA
Mr Mohamed OTHMAN
Mr Upawansa YAPA
Mr ZHU Wen-qi

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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NAME / NOM: *Felicien T. Ndayindigwe*

SIGNATURE: *[Signature]* DATE: *15/2/2000*

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens responsible for genocide and other such violations committed in the territory of neighbouring states, between 1 January 1994 and 31 December 1994,

NOTING that on 14 December 1998 Trial Chamber I found Omar SERUSHAGO ("the Appellant") guilty on the count of genocide and on three counts of crimes against humanity (murder, extermination and torture);

NOTING that on 5 February 1999 Trial Chamber I sentenced the Appellant to a term of 15 years imprisonment for the totality of crimes of which he was found guilty;

BEING SEISED of the Appellant's appeal against that sentence;

CONSIDERING the arguments of the parties made in open court today, 14 February 2000, the submissions in their written briefs, and the case file;

NOW DECIDES as follows:

- (1) The appeal is **DISMISSED**.
- (2) The Trial Chamber's sentence of 5 February 1999 is **AFFIRMED**.
- (3) **WRITTEN REASONS** for this judgment will follow as soon as possible.

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

(signed)

Claude JORDA
Presiding Judge

(signed)

Lal Chand VOHRAH
Judge

(signed)

Mohamed SHAHABUDEEN
Judge

(signed)

Raphael NIETO-NAVIA
Judge

(signed)

Fausto POCAR
Judge

Dated this fourteenth day of February 2000
At Arusha,
Tanzania.



[Seal of the Tribunal]