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ICTR-99-52-A  
20 January 2005  
(1899/H-1896/H)

1899/  
AMM



UNITED NATIONS  
NATIONS UNIES

Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

**Before:** Judge Theodor Meron, Presiding  
Judge Mohamed Shahabuddeen  
Judge Florence Mumba  
Judge Fausto Pocar  
Judge Inés Mónica Weinberg de Roca

**Registrar:** Mr. Adama Dieng

**Decision of:** 20 January 2005

ICTR Appeals Chamber  
Date: 20 January 2005  
Action:  
Copied To: Concerned Judge  
Parties, Judicial Arch  
LOS, LSS [Signature]

Ferdinand NAHIMANA  
Jean-Bosco BARAYAGWIZA  
Hassan NGEZE  
(Appellants)

V.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-99-52-A

ORIGINAL RECORDS/ARCHIVES  
ICTR  
2005 JAN 24 A 9: 26  
[Signature]

**DECISION ON HASSAN NGEZE'S MOTION APPEALING THE REGISTRAR'S DENIAL OF MARRIAGE FACILITIES**

Counsel for the Appellants

Mr. Chadha Bharat  
Mr. Jean-Marie Biju-Duval

Counsel for the Prosecutor

Mr. James Stewart

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS  
NAME / NOM: ROSETTE MUZIGO - MORRISON  
SIGNATURE: [Signature] DATE: 20/01/05

**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 (“Appeals Chamber” and “Tribunal”, respectively);

**BEING SEISED** of “Appellant Hassan Ngeze’s Motion for Setting Aside the Decision of the Registrar of Dated 12<sup>th</sup> January 2005 Pursuant to Article 8(3)(c) on the Request for Marriage and other Reliefs [sic] and to Grant Leave to Marry at the ICTR Premises Before the Determination of his Pending Appeal” filed 17 January 2005 (“Motion”), in which Appellant Hassan Ngeze appeals the “Registrar’s Decision Pursuant to Article 8(3)(c) on the Request for Marriage and other Reliefs [sic]” issued 12 January 2005, denying Appellant Ngeze’s requests, *inter alia*, to have a marriage ceremony at the United Nations Detention Facility, to be provided facilities to consummate the marriage, and to be permitted conjugal visits after the marriage;

**NOTING** the “Decision On Hassan Ngeze’s Motion Seeking Leave To Marry” of 28 September 2004, in which the Appeals Chamber specifically instructed Appellant Ngeze that (i) the Registry is responsible for the day-to-day management of the United Nations Detention Unit including the determination of the facilities available to a detainee,<sup>1</sup> and that his requests therefore fell within the competence of the Registry of the International Tribunal, and not the Appeals Chamber; (ii) the Appellant should first address his request to use the premises of the United Nations Detention Unit for the purpose of marrying to the authorities of the United Nations Detention Unit; and (iii) in the event of an adverse decision, the Appellant should follow the relevant complaints procedures set out in the Rules of Detention;<sup>2</sup>

**CONSIDERING** that Rule 19 of the Rules of Procedure and Evidence (“Rules”) provides that the President, and not the Appeals Chamber, supervises the activities of the Registry, and that pursuant to Rule 83 of the Rules of Detention, a detainee who is not satisfied with a response of the authorities of the United Nations Detention Unit, should file a written complaint to the Registrar who shall forward it to the President;

**FINDING** that, since the Appeals Chamber has already instructed the Appellant to follow the procedures set out in the Rules of Detention, and that the Appellant has not filed any complaint with the President, this Motion is frivolous;

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<sup>1</sup> Directive for the Registry of the International Criminal Tribunal for Rwanda Judicial and Legal Services Division Court Management Section, 8 June 1998, as amended, Article 8(3)(C).

<sup>2</sup> Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal, adopted 5 June 1998, as amended (Rules of Detention).

1896/H

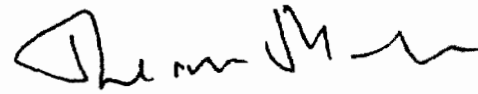
**HEREBY**

**DISMISSES** the Motion; and

**DIRECTS** the Registrar, pursuant to Rule 73 (F) of the Rules, not to pay for any fees or costs relating to the preparation and filing of this Motion.

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

Dated this 20<sup>th</sup> day of January 2005,  
At The Hague, The Netherlands.



Theodor Meron  
Presiding Judge

[Seal of the International Tribunal]

