



**Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda**

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andrézia Vaz
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Decision of: 3 March 2008

Hassan NGEZE

v.

THE PROSECUTOR

Case No. ICTR-99-52-R

DECISION ON HASSAN NGEZE'S MOTION OF 25 FEBRUARY 2008

The Applicant

Mr. Hassan Ngeze, *pro se*

The Office of the Prosecutor

Mr. Hassan Bubacar Jallow

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 and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively),

BEING SEIZED OF “Prisoner Hassan Ngeze’s motion before the Appeals Chamber regarding clarification of one specific point which was not part of charges by the Tribunal, ‘abetting and assisting of commission of offence of genocide’”, filed on 25 February 2008 (“Motion”), in which Hassan Ngeze (“Applicant”) seeks “clarification” and reconsideration of one specific point in the the Judgement rendered on 28 November 2007 in *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A (“Appeal Judgement”);

CONSIDERING that, although the deadline for filing a response has not expired yet, the Motion can be disposed of immediately for the reasons given below;

NOTING that the Applicant argues that he was neither charged nor convicted of aiding and abetting genocide at trial and that, accordingly, such a conviction could not be entered by the Appeals Chamber;¹

CONSIDERING that the Motion is nothing more than an attempt to re-litigate issues decided at trial and on appeal;²

RECALLING that the Appeals Chamber has held that there is no power to reconsider a final judgement as the Statute of the Tribunal only provides “for a right of appeal and the right of review but not for a second right of appeal by the avenue of reconsideration of a final judgement”;³

FINDING that the Motion is inadmissible;

¹ Motion, paras 2-3.

² See *The Prosecutor v. Ferdinand Nahimana et al.*, Case No. ICTR-99-52-T, Judgement and Sentence, 3 December 2003, paras 956 and 977A; Appeal Judgement, para. 672.

³ *Prosecutor v. Zoran Žigić*, Case No. IT-98-30/1-A, Decision on Žigić’s “Motion for Reconsideration of Appeals Chamber Judgement IT-98-30/1-A Delivered on 28 February 2005”, 26 June 2006, para. 9. See also *Eliézer Niyitegeka v. The Prosecutor*, Case No. ICTR-96-14-R, Decision on Request for Reconsideration of the Decision on Request for Review, 27 September 2006; *Prosecutor v. Timohir Blaškić*, Case No. IT-95-14-R, Decision on Prosecutor’s Request for Review, 23 November 2006, paras 79-80 (Public Redacted Version); *Georges Anderson Nderubumwe Rutaganda v. The Prosecutor*, Case No. ICTR-96-03-R, Decision on Requests for Reconsideration, Review, Assignment of Counsel, Disclosure, and Clarification, 8 December 2006, para. 6; *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-Misc.1, Decision on Strugar’s Request to Reopen Appeal Proceedings, 7 June 2007, para. 23; *Hassan Ngeze v. The Prosecutor*, Case No. ICTR-99-52-R, Decision on Hassan Ngeze’s Motions and Requests related to Reconsideration, 31 January 2008, p. 3.

FOR THE FOREGOING REASONS,

DISMISSES the Motion.

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

Done this 3rd day of March 2008,
At The Hague, The Netherlands.

Fausto Pocar
Presiding Judge

[Seal of the Tribunal]