

516/H

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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-96-03-R  
23 April 2008

*(5-22/H-520/H)*

**IN THE APPEALS CHAMBER**

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

ICTR Appeals Chamber  
Date: 23 April 2008  
Action: P.T.  
Copied To: *Conrad J. ...*  
*Per ...*  
*Archiver*

Registrar: Mr. Adama Dieng

Decision of: 23 April 2008

*[Handwritten signature]*

**Georges Anderson Nderubumwe RUTAGANDA**

v.

**THE PROSECUTOR**

Case No. ICTR-96-03-R

JUDICIAL RECORDS/ARCHIVES  
2008 APR 24 A 1 59  
*[Handwritten signature]*

**Decision on Motion for Clarification on Rule 68 of the Rules**

**Office of the Prosecutor:**

Mr. Hassan Bubacar Jallow  
Mr. Alex Obote-Odora  
Mr. George William Mugwanya

**The Applicant:**

Mr. Georges Rutaganda, *pro se*

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY MR  
COMTE CERTIFIÉE CONFORMÉ À L'ORIGINAL PAR NOUS  
NAME / NOM: *KREF... XUMELIO... A... MENDRE...*  
SIGNATURE: *[Handwritten signature]* DATE: *23 April 2008*

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521/M

**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 the "*Requête urgente en clarification sur la communication des éléments de preuve à décharge et autres éléments pertinents ; Article 68 du Règlement*" filed by Georges Rutaganda on 6 February 2008 ("Motion");

**CONSIDERING** the "Prosecutor's Response to '*Requête urgente en clarification sur la communication des éléments de preuve à décharge et autres éléments pertinents ; Article 68 du Règlement*'" filed on 12 February 2008, in which the Prosecution requests that the Motion be dismissed;

**NOTING** that Mr. Rutaganda has not filed a reply and that the time limit for filing a reply has lapsed;

**NOTING** that in its Judgement of 26 May 2003, the Appeals Chamber confirmed Mr. Rutaganda's convictions for genocide and extermination as a crime against humanity, entered an additional conviction for serious violations of Article 3 common to the Geneva Conventions, and upheld his sentence of life imprisonment;<sup>1</sup>

**NOTING** that Mr. Rutaganda seeks clarification regarding Rule 68(A) of the Tribunal's Rules of Procedure and Evidence for the purpose of filing a request for disclosure of statements of witnesses who testified before the Tribunal subsequent to his conviction;

**CONSIDERING** that an accused or appellant cannot seize the Appeals Chamber of a general matter without alleging that there has been an error of law or of fact arising from a decision, order or judgement rendered by a Trial Chamber, which directly concerns him or her;<sup>2</sup>

**FINDING** that the Motion does not set forth any error that the Appeals Chamber has jurisdiction to consider;

<sup>1</sup> *Georges Rutaganda v. The Prosecutor*, Case No. ICTR-96-3-A, Judgement, 26 May 2003 ("*Rutaganda Appeal Judgement*"); *The Prosecutor v. Georges Rutaganda*, Case No. ICTR-96-3-T, Judgement, 6 December 1999. The Appeals Chamber also overturned a conviction for murder as a crime against humanity. *see Rutaganda Appeal Judgement*, paras. 490-507.

<sup>2</sup> *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A, Decision on Hassan Ngeze's Motion Requesting to Rectify the Differential and Unequal Treatment Between the ICTR and ICTY in Sentencing Policies and Other Rights, 23 February 2006.

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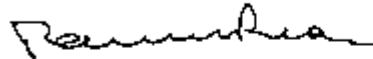
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**FOR THE FOREGOING REASONS,**

**DENIES** the Motion.

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

Done this 23<sup>rd</sup> day of April 2008,  
at The Hague,  
The Netherlands.



Judge Fausto Pocar  
Presiding



[Seal of the Tribunal]