



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

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 27 April 2010

Tharcisse RENZAHO

v.

THE PROSECUTOR

Case No. ICTR-97-31-A

ORDER TO PRODUCE DOCUMENTS

Counsel for Mr. Tharcisse Renzaho:

Mr. François Cantier, Lead Counsel
Mr. Barnabé Nekuie, Co-Counsel

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Mr. Alphonse Van

I, CARMEL AGIUS, Judge of 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), and Pre-Appeal Judge in this case,

NOTING the Trial Judgement rendered by Trial Chamber I of the Tribunal against Tharcisse Renzaho on 14 July 2009;¹

NOTING the Notice of Appeal against the Trial Judgement filed by Mr. Renzaho on 2 October 2009;²

NOTING the Appellant’s Brief filed confidentially by Mr. Renzaho on 2 March 2010³ and the Respondent’s Brief filed by the Prosecution on 12 April 2010;⁴

NOTING Ground of Appeal 3, in which Mr. Renzaho argues that the Trial Chamber erred in its application of Rule 68 and Rule 92*bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);⁵

CONSIDERING that the Appeals Chamber will need to review the documents at issue in Ground of Appeal 3 in order to properly adjudicate the appeal;

ORDER, pursuant to Rule 108*bis*(B) of the Rules, Mr. Renzaho to provide the following documents within seven days from the date of this Order:

- i. *Pro Justicia* Statement of Mrs. Astérie Nikoze;⁶
- ii. *Pro Justicia* Statement of Mr. Dieudonné Nkulikiyinka;⁷
- iii. Two letters between Egyptian authorities and the Office of the Prosecutor, dated 2002;⁸

¹ *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Judgement and Sentence, dated 14 July 2009 and filed on 14 August 2009 (“Trial Judgement”).

² *Acte d’Appel*, 2 October 2009 (“Notice of Appeal”).

³ *Mémoire d’Appel*, strictly confidential, 2 March 2010 (“Appellant’s Brief”). See also *Livre d’appel de l’appellant*, strictly confidential, 2 March 2010; *Mémoire d’Appel Public*, 2 April 2010; *Erratum – Requête en rectification d’erreur matérielle Mémoire d’appel*, 7 April 2010.

⁴ Prosecutor’s Respondent’s Brief, 12 April 2010 (“Respondent’s Brief”).

⁵ Notice of Appeal, paras. 24-28. See also Appellant’s Brief, paras. 60-68; Respondent’s Brief, paras. 64-77.

⁶ See Notice of Appeal, para. 25. See also Trial Judgement, paras. 42, 43, 52, 55.

⁷ See Notice of Appeal, para. 25. See also Trial Judgement, paras. 42, 43, 52, 55.

- iv. Statement of Witness AZB;⁹
- v. An interview of Sixbert Musangamufa, dated 14 November 2001, and summary, dated 16 November 2001;¹⁰

FURTHER ORDER the parties to file submissions of no longer than one thousand words with respect to the date of the disclosure by the Prosecution to Mr. Renzaho of the above-listed documents, if any, no later than seven days from the date of this Order, that is, 4 May 2010.

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

Done this twenty-seventh of April 2010,
at The Hague,
The Netherlands.

Judge Carmel Agius
Pre-Appeal Judge

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⁸ See Notice of Appeal para. 26. See also Trial Judgement, paras. 44, 45.

⁹ See Notice of Appeal, para. 26. See also Trial Judgement, paras. 48-50.

¹⁰ See Notice of Appeal, para. 27. See also Trial Judgement, paras. 54, 56.