



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

1107/H

Ch

IN THE APPEALS CHAMBER

ICTR-97-31-A
25th May 2010
{1107/H – 1105/H}

Before: Judge Carmel Agius, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Order of: 25 May 2010

ICTR Appeals Chamber
Date: 25th May 2010
Action: R. Dumez
Copied To: Concerned

Judge, Parties,
Judicial Archives,
EOs, LSS
[Signature]

Tharcisse RENZAHO

v.

THE PROSECUTOR

Case No. ICTR-97-31-A

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SENT BY THE
CORRECTIONAL CONTROLLER AT THE ORIGINAL CLERK'S OFFICE
NAME / NOM: ROSETTE NIUZIGU-MUKIRISWA
SIGNATURE: *[Signature]* DATE: 25/05/10

ORDER TO REGISTRAR FOR SUBMISSIONS

Counsel for Mr. Tharcisse Renzaho: **Office of the Prosecutor:**

François Cantier
Barnabé Nekuie

Hassan Bubacar Jallow
Alex Obote-Odora
Alphonse Van
Abdoulaye Seye
Clair Duffy
Florida Kabasinga

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 ("Tribunal");

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 filed by Mr. Renzaho on 2 October 2009,² the Appellant's Brief filed by Mr. Renzaho on 2 March 2010,³ the Respondent's Brief filed by the Prosecution on 13 April 2010,⁴ and the Brief in Reply filed by Mr. Renzaho on 5 May 2010;⁵

NOTING Ground of Appeal 3, in which Mr. Renzaho submits that an investigation was commenced by the Registry into the alleged intimidation of Defence witnesses in June 2007, but was not completed ("Investigation");⁶

CONSIDERING that submissions by the Registrar concerning the Investigation would be of assistance to the proper adjudication of this appeal;

FOR THE FOREGOING REASONS

INSTRUCTS the Registrar to provide submissions regarding the Investigation no later than 10 days from the date of this Order, under confidential cover if necessary, which shall include information regarding when the Registrar was informed of the allegations of witness intimidation, when the Investigation was commenced, the mandate of the appointed *amicus curiae* Mr. Jean Haguma, and any other information the Registrar considers relevant;

FURTHER INSTRUCTS the Registrar to attach all documentation relevant to the Investigation to its submissions, including any transcripts of an *ex parte* hearing held by the Trial Chamber on

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*, 2 March 2010 (confidential) ("Appellant's Brief"). See also *Livre d'appel de l'appelant*, 2 March 2010 (confidential); *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, 13 April 2010 ("Respondent's Brief").

⁵ *Réplique de l'Appelant*. Art. 113 RPP, 5 May 2010 ("Brief in Reply").

⁶ Notice of Appeal, paras. 33-35; Appellant's Brief, paras. 73-89, 92-96, 113, 114. See also Trial Judgement, para. 69; *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Registrar's Submissions under Rule 33 (B) of the Rules on the Final Report of Jean Haguma, 30 June 2009 ("Registry Submissions").

13 June 2007 (under *ex parte* seal),⁷ the interim report of the *amicus curiae* dated October 2007,⁸ any correspondence with the *amicus curiae* or parties concerning the Investigation, and any other documentation the Registrar considers relevant.

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

Done this twenty-fifth day of May 2010,
at The Hague,
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to read "C. Agius", is written over a horizontal line.

Judge Carmel Agius
Pre-Appeal Judge

⁷ See *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Decision on Defence Request for Special Protective Measures for Witness HIN, 14 June 2007, p. 2.

⁸ See Registry Submissions, para. 4.