



UNITED NATIONS  
NATIONS UNIES



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

461/H

**IN THE APPEALS CHAMBER**

ICTR-01-70-A

4<sup>th</sup> June 2010

461/H - 460/H

**Before:** Judge Fausto Pocar, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Decision of:** 4 June 2010

**EMMANUEL RUKUNDO**

v.

**THE PROSECUTOR**

Case No. ICTR-2001-70-A

**DECISION ON RUKUNDO'S REQUEST TO POSTPONE THE APPEAL HEARING**

ICTR Appeals Chamber  
Date: 4 June 2010  
Action: R. Juma  
Copied To: Concerned Judges, SLO's, LO's, ALO's  
Parties, CTS, G.S.S

**Counsel for Emmanuel Rukundo:**

Ms. Aïsha Condé  
Mr. Benoît Henry

**The Office of the Prosecutor:**

Mr. Hassan Bubacar Jallow  
Mr. Alex Obote-Odora  
Ms. Christine Graham  
Mr. Abdoulaye Seye  
Mr. Shamus Mangan

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
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NAME/NOM: KOFFI KUMUENDO A. AFANDE  
SIGNATURE: [Signature] DATE: 4 JUNE 2010

460/H

I, **Fausto Pocar**, 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 ("Tribunal") and Pre-Appeal Judge in this case;

**RECALLING** the Scheduling Order issued on 19 May 2010 which set the date of the appeal hearing in this case for Tuesday, 15 June 2010, in Arusha, Tanzania;

**BEING SEIZED OF** the "*Requête aux fins d'ajournement de l'audience des plaidoiries*", filed on 2 June 2010 by Mr. Rukundo ("Motion");<sup>1</sup>

**NOTING** the request to adjourn the hearing of the appeals in this case *sine die* until the release of Mr. Peter Erlinder, a defence counsel representing Aloys Ntabakuze in another case before the Tribunal, who was reportedly arrested in Rwanda for allegedly violating that country's laws against negating the genocide;

**CONSIDERING** that the Motion is manifestly without merit and that Mr. Rukundo has failed to demonstrate how Mr. Erlinder's arrest in Rwanda impedes the ability of his counsel to fulfill their obligation to represent him and to comply with orders of the Tribunal related to the scheduling of proceedings in Arusha, Tanzania;

**FOR THE FOREGOING REASONS**

**DISMISS** the Motion;


**REITERATE** that the hearing of the appeals in this case will be held on Tuesday, 15 June 2010.

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

Done this 4<sup>th</sup> day of June 2010,  
At The Hague,  
The Netherlands.



[Seal of the Tribunal]

  
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Judge Fausto Pocar  
Pre-Appeal Judge

<sup>1</sup> While noting the "Prosecutor's Response to Emmanuel Rukundo's Request to Adjourn the Appeal Hearing Scheduled for 15 June 2010", filed on 3 June 2010, it has not considered it in view of the lack of prejudice to the Prosecution and the urgency in providing clarity to the parties with respect to scheduling of this case. Accordingly, there is no need to await a reply from Mr. Rukundo.