



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

**IN THE APPEALS CHAMBER**

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

**Registrar:** Mr. Adama Dieng

**Order of:** 7 June 2010

**Tharcisse RENZAHO**

**v.**

**THE PROSECUTOR**

*Case No. ICTR-97-31-A*

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**ORDER FOR PREPARATION OF APPEAL HEARING**

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**Counsel for the Appellant:**

Mr. François Cantier  
Mr. Barnabé Nekuie

**Office of the Prosecutor:**

Mr. Hassan Bubacar Jallow  
Mr. Alex Obote-Odora  
Mr. Alphonse Van  
Mr. Abdoulaye Seye  
Ms. Clair Duffy  
Ms. 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 (“Appeals Chamber” and “Tribunal”, respectively);

**RECALLING** the Scheduling Order issued by the Appeals Chamber on 21 May 2010, which set the date of the hearing on the merits of the appeal in this case for Wednesday, 16 June 2010, as well as the timetable of the hearing;

**CONSIDERING** the need to ensure that the time allotted for the appeal hearing is used as efficiently as possible;

**EMPHASIZING** that the present order in no way expresses the Appeals Chamber’s views on the merits of the appeal, which will be set forth in the Appeal Judgement;

**HEREBY INFORMS** the Parties that, during the course of the appeal hearing and without prejudice to any other matter that the Parties or the Appeals Chamber may wish to address, they are invited to discuss, with reference to the record, the following issues:

(a) Alleged Lack of Notice (Ground of Appeal 1)

*(1) Could the Prosecution have pleaded more specifically in the Indictment the allegations made by Witnesses AWO and AWN in relation to rapes, and if not, why? (2) If there was vagueness or lack of notice in respect of these allegations, was Mr. Renzaho prejudiced by it, and if so, how?*

(b) Alleged Violations of Fair Trial Rights (Ground of Appeal 3)

*What was the mandate of the amicus curiae, Mr. Jean Haguma? What obligation did Mr. Renzaho have to either establish witness intimidation or to exhaust available measures to secure the taking of witness testimony while an investigation into witness intimidation was ongoing? Please comment on any prejudice that arose from the failure of the investigator Mr. Haguma to deliver a final report.*

(c) Alleged Errors Relating to Killings at Roadblocks and Distribution of Weapons in Kigali-Ville (Grounds of Appeal 5 and 6)

*Was the Trial Chamber's reasoning for finding Mr. Renzaho criminally responsible for ordering the killings at roadblocks sufficient? Did the evidence presented at trial prove that Mr. Renzaho's order substantially contributed to subsequent killings at roadblocks?*

(d) Alleged Errors Relating to the Events at CELA (Ground of Appeal 9)

*Was it the only reasonable inference available on the evidence that Mr. Renzaho gave an order to kill the refugees? Have the elements of ordering been proven?*

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

Dated this seventh day of June 2010,  
at The Hague,  
The Netherlands.

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Carmel Agius  
Presiding Judge

**FSeal of the Tribunal**