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1. 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) is seised of a motion filed on 3 June 2010 by Aloys Ntabakuze to order the Registrar to take immediate action to secure the release of his Lead Counsel, Peter Erlinder, arrested in Rwanda on 28 May 2010 and order the Government of Rwanda to stop all proceedings against his Lead Counsel.¹

2. Mr. Ntabakuze submits that his Lead Counsel was arrested on 28 May 2010 by Rwandan authorities on charges of "genocide denial".² In its Order of 9 June 2010, the Appeals Chamber requested the Registrar to seek the assistance of Rwandan authorities for the purpose of obtaining all information relating to the exact nature and basis of the charges against Mr. Erlinder to assist it in the determination of the Motion.³ The Registrar transmitted the Order of 9 June 2010 to the Rwandan Ministry of Foreign Affairs and Cooperation the same day.⁴ On 17 June 2010, Mr. Erlinder was released from detention on bail.⁵ The Registrar reported to the Appeals Chamber on 24 June 2010 that he had not received a response to its request for information pursuant to the Order of 9 June 2010.⁶

3. The Appeals Chamber is concerned that it has not yet received the information specified in its Order of 9 June 2010. The Appeals Chamber recalls that pursuant to Article 28(2) of the Statute of the Tribunal ("Statute"), "States shall comply without undue delay with any request for assistance or an order issued by a [...] Chamber".

¹ Aloys Ntabakuze's Extremely Urgent Request for Injunctions Against the Government of Rwanda for the Illegal Arrest of and Investigation Against Lead Counsel, P. Erlinder, for Statements Made in the Course of Appellant's Defence – Articles 19, 20, 28 & 29 of the Statute and Rule 54 of the RPE, 3 June 2010 ("Motion"), para. 25.

² Motion, paras. 1, 2.

³ Order in Relation to Aloys Ntabakuze's Motion for Injunctions Against the Government of Rwanda Regarding the Arrest and Investigation of Lead Counsel Peter Erlinder, 9 June 2010 ("Order of 9 June 2010"), para. 4.

⁴ Registrar's Submission under Rule 33 (B) of the Rules of Procedure and Evidence in Respect of the Appeals Chamber Order to the Registrar dated 9 June 2010, 11 June 2010, para. 9.

⁵ See Registrar's Further Submissions under Rule 33 (B) of the Rules of Procedure and Evidence in Respect of the Appeals Chamber's Order Instructing the Registrar to Seek Clarification From Rwandan Authorities on the Motives of the Arrest of Peter Erlinder, 24 June 2010 ("Registrar's Further Submissions"), para. 6.

⁶ Registrar's Further Submissions, paras. 5, 7.

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4. Consequently, the Appeals Chamber, pursuant to Article 28 of the Statute, hereby:

REQUESTS the Republic of Rwanda to provide the Appeals Chamber with all information relating to the exact nature and basis of the charges against Peter Erlinder within ten (10) days of the communication of this order; and

INSTRUCTS the Registrar to provide the Appeals Chamber with any information that is furnished by the Republic of Rwanda in response to this request.

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

Done this seventh day of July 2010,
At The Hague,
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to be "K", is written above a horizontal line. Below the line, the text "Judge Patrick Robinson" and "Presiding" is printed.

Judge Patrick Robinson
Presiding