



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: 13 July 2010

THARCISSE RENZAHO

v.

THE PROSECUTOR

Case No. ICTR-97-31-A

**INTERIM ORDER REGARDING RENZAHO'S MOTION FOR
INVESTIGATION**

Counsel for the Appellant:

François Cantier
Barnabé Nekuie

Office of the Prosecutor:

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

Amicus Curiae:

Jean Haguma

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);

NOTING the “Judgement and Sentence” pronounced by Trial Chamber I on 14 July 2009 and issued in writing on 14 August 2009;¹

NOTING the “*Requête en demande d’enquÊte*” (“Motion”) filed by Tharcisse Renzaho on 31 May 2010² in which Mr. Renzaho requests an investigation into witness intimidation and a stay of proceedings until the completion of the investigation;³

NOTING that on 27 July 2007, Jean Haguma was appointed by the Registry of the Tribunal (“Registry”) as *amicus curiae* to investigate allegations of witness interference in the *Renzaho* trial proceedings (“the Investigation”);⁴

NOTING that, despite several requests from the Registry,⁵ Mr. Haguma never delivered a final report concerning the progress or outcome of the Investigation;⁶

CONSIDERING that a report from Mr. Haguma concerning the Investigation would assist the proper adjudication of the Motion;

CONSIDERING, however, that Mr. Haguma should not conduct any fresh investigations, but rather provide a final report based on the work already undertaken and conclusions drawn there from;

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 See also *Annexe confidentielle a la requête en demande d’enquÊte*, 31 May 2010 (confidential).

³ Motion, p. 6.

⁴ Registrar’s Submissions Under Rule 33 (B) of the Rules of Procedure and Evidence in Respect of the Appeals Chamber Order to the Registrar dated 25 May 2010, 1 June 2010 (“Registrar’s Submissions on Investigation”), para. 6; Confidential Annexes to the “Registrar’s Submissions Under Rule 33 (B) of the Rules of Procedure and Evidence in Respect of the Appeals Chamber Order to the Registrar dated 25 May 2010”, 1 June 2010 (confidential) (“Confidential Annexes to Registrar’s Submissions on Investigation”), Annex 1 (Terms of Reference for Consultancy, 27 July 2007). See also Trial Judgement, para. 69; Motion, para. 4 on p. 2.

⁵ Registrar’s Submissions on Investigation, paras. 7-12; *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 (“Registrar’s Submissions on Haguma Report”), para. 5 and Annex (E-mails between Stéphane Wohlfahrt and Jean Haguma dated 15 February 2008, 25 February 2008, 27 February 2008, 12 March 2008). See also Confidential Annexes to Registrar’s Submissions on Investigation, Annex 11 (E-mail from Stéphane Wohlfahrt to Everard O’Donnell dated 14 February 2008).

⁶ Trial Judgement, para. 69; Registrar’s Submissions on Investigation, paras. 12-14. See also Registrar’s Submissions on Haguma Report, para. 5.

FOR THE FOREGOING REASONS

ORDERS Mr. Haguma to submit to the Appeals Chamber, through the Registry, no later than 6 August 2010:

- i. a confidential comprehensive final report on the conduct and conclusions of the Investigation undertaken to date; and
- ii. any supporting documents, under confidential cover;

FURTHER ORDERS Mr. Haguma to return any confidential documents of the Tribunal in his possession to the Registry;

INSTRUCTS the Registry to provide a copy of this Order to Mr. Haguma as soon as reasonably possible.

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

Dated this thirteenth day of July 2010,
at The Hague,
The Netherlands.

Carmel Agius
Presiding

FSeal of the Tribunal