

UNITED NATIONS  
NATIONS UNIES

Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-98-11-A  
10 February 2011  
{2965/H – 2963/H}

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Order of: 10 February 2011

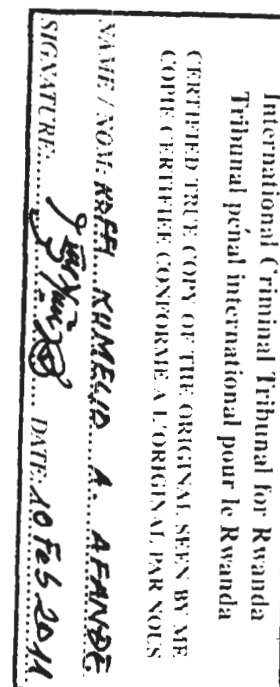
ICTR Appeals Chamber  
Date: 10<sup>th</sup> February 2011  
Action: R. Güney  
Copied To: Concerned Judges

Théoneste BAGOSORA  
Aloys NTABAKUZE  
Anatole NSENGIYUMVA

v.

THE PROSECUTOR

Case No. ICTR-98-41-A



Parties, Judicial  
Archives,  
LOs, LSS

**ORDER TO SUMMON A WITNESS**

Counsel for Théoneste Bagosora

Raphaël Constant  
Richard Perras

Counsel for Aloys Ntabakuze

Peter Erlinder  
André Tremblay

Counsel for Anatole Nsengiyumva

Kennedy Ogetto  
Gershom Otachi Bw'Omanwa

Office of the Prosecutor

Hassan Bubacar Jallow  
James J. Arguin  
George W. Mugwanya  
Inneke Onsea  
Renifa Madenga  
Abubacarr Tambadou  
Evelyn Kamau  
William Mubiru  
Aisha Kagabo  
Ndeye Marie Ka

**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 Scheduling Order of 27 January 2011, which ordered that the hearing of the appeals in the present case shall take place on 30 March, 31 March, and 1 April 2011 in Arusha, Tanzania;

**NOTING** the “Decision on Théoneste Bagosora’s Motion for Admission of Additional Evidence” of 7 February 2011, in which the Appeals Chamber ordered that Marcel Gatsinzi will be heard by the Appeals Chamber as a Chamber’s witness pursuant to Rules 98 and 107 of the Rules of Procedure and Evidence of the Tribunal (“Rules”);<sup>1</sup>

**CONSIDERING** that the hearing of Marcel Gatsinzi shall take place in the context of the appeal hearing scheduled in this case for 30 March, 31 March, and 1 April 2011;

**FOR THE FOREGOING REASONS,**

**ORDERS** that Marcel Gatsinzi shall be present for an evidentiary hearing on Wednesday, 30 March 2011 at 09:00 at the seat of the Tribunal in Arusha, Tanzania;

**INSTRUCTS** the Registry to communicate this order to Marcel Gatsinzi and to take all necessary measures to facilitate his presence at the hearing;

**INFORMS** Marcel Gatsinzi that, if he so wishes, his counsel may be present during his testimony;

**INFORMS** the parties that the evidentiary hearing will be held in accordance with the following arrangements:

- the Judges of the Appeals Chamber will first pose questions to Marcel Gatsinzi;
- the Prosecution and then Théoneste Bagosora shall be given an equal opportunity to cross-examine Marcel Gatsinzi;

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<sup>1</sup> Decision on Théoneste Bagosora’s Motion for Admission of Additional Evidence, 7 February 2011, para. 11.


**RECALLS** that failure to comply with the present order may constitute contempt of the Tribunal under Rule 77 of the Rules.

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

Done this 10<sup>th</sup> day of February 2011  
At The Hague,  
The Netherlands.



**[Seal of the Tribunal]**

  
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Judge Patrick Robinson  
Presiding Judge