



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

3617/H

ICTR-98-41-A

11th April 2011

{3617/H – 3616/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

Decision of: 11 April 2011

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORMÉ À L'ORIGINAL VU PAR MOI	
NAME / NOM: ROSETTE MUZIGO-MURUKINDO	DATE: 11/04/11
SIGNATURE:	

ICTR Appeals Chamber
Date: 11 th April 2011
Action: R. Juvénal
Copied To: Concerned Judges,

Théoneste BAGOSORA
Anatole NSENGIYUMVA

Parties, Judicial Archives,
LDs, LSS

v.
THE PROSECUTOR

Case No. ICTR-98-41-A

**DECISION ON ALOYS NTABAKUZE'S MOTION TO PRECLUDE THE
TESTIMONY OF MARCEL GATSINZI**

Counsel for Théoneste Bagosora

Raphaël Constant
Richard Perras

Counsel for Anatole Nsengiyumva

Kennedy Ogetto
Gershom Otachi Bw'Omanwa

Counsel for Aloys Ntabakuze

Peter Erlinder
André Tremblay

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 issued on 27 January 2011, which set the date of the hearing of the appeals of Théoneste Bagosora (“Bagosora”), Aloys Ntabakuze (“Ntabakuze”), and Anatole Nsengiyumva (“Nsengiyumva”) for 30 March, 31 March, and 1 April 2011, in Arusha, Tanzania;

NOTING the Order to Summon a Witness issued on 10 February 2011, which set the date of the hearing of Marcel Gatsinzi (“Gatsinzi”) for 30 March 2011;

NOTING the Further Scheduling Order issued on 29 March 2011, in which the Appeals Chamber ordered that the presentation of Ntabakuze’s oral arguments on appeal shall be heard at a later date to be announced in due course;

BEING SEIZED of “Ntabakuze Motion in Limine to Preclude the Testimony of Marcel Gatsinzi With Respect to Appellant Ntabakuze” dated 29 March 2011 and filed on 30 March 2011, in which Ntabakuze requests the Appeals Chamber to issue an order prior to the testimony of Gatsinzi excluding Gatsinzi’s testimony from his case (“Motion”);

CONSIDERING that in its Decision on Théoneste Bagosora’s Motion for Admission of Additional Evidence of 7 February 2011, the Appeals Chamber ordered the appearance of Gatsinzi as a witness of the Appeals Chamber and indicated that Gatsinzi was to be heard by the Appeals Chamber in relation to issues arising in Bagosora’s appeal;

CONSIDERING further that, on 30 March 2011, prior to the hearing of Gatsinzi’s testimony, the Appeals Chamber, by oral decision, ordered the severance of Ntabakuze’s case from that of Bagosora and Nsengiyumva, pursuant to Rules 82(B) and 107 of the Rules of Procedure and Evidence of the Tribunal;

FINDING therefore that the Motion is moot;

HEREBY

DISMISSES the Motion.

Done this 11th day of April 2011,
At The Hague,
The Netherlands.



Judge Patrick Robinson
Presiding Judge

[Seal of the Tribunal]