



UNITED NATIONS  
NATIONS UNIES

Tribunal pénal international pour le Rwanda  
International Criminal Tribunal for Rwanda

142/H

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ICTR-00-55B-A

26<sup>th</sup> May 2011

{142/H - 140/H}

**IN THE APPEALS CHAMBER**

**Before:**

**Judge Fausto Pocar, Pre-Appeal Judge**

**Registrar:**

**Mr. Adama Dieng**

**Decision of:**

**26 May 2011**

**ILDEPHONSE HATEGEKIMANA**

**v.**

**THE PROSECUTOR**

*Case No. ICTR-00-55B-A*

*[Vertical stamp: RECEIVED 26 May 2011]*  
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**DECISION ON PROSECUTION MOTION FOR CLARIFICATION**

**Counsel for Ildephonse Hategekimana:**

Jean de Dieu Momo

**The Office of the Prosecutor:**

Hassan Bubacar Jallow  
James J. Arguin  
Alphonse Van  
Thembile Segoete  
Amina Ibrahim  
Leo Nwoye

<b>International Criminal Tribunal for Rwanda</b> <b>Tribunal pénal international pour le Rwanda</b>	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS	
NAME / NOM:	CONSTANT HOMETOWELL
SIGNATURE:	<i>[Handwritten signature]</i> DATE: 26-05-2011

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I, **Fausto POCAR**, Judge of 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 ("Tribunal") and Pre-Appeal Judge in this case,<sup>1</sup>

**RECALLING** that, on 20 May 2011, Mr. Hategekimana filed a Motion requesting leave to amend his Notice of Appeal<sup>2</sup> and that, on 23 May 2011, Mr. Hategekimana was ordered to file a proposed amended Notice of Appeal as an annex to the Motion by 30 May 2011;<sup>3</sup>

**BEING SEISED** of a Request filed on 24 May 2011 by the Prosecution seeking to clarify the date for the filing of Mr. Hategekimana's Appellant's brief;<sup>4</sup>

**NOTING** the Prosecution's "confusion"<sup>5</sup> as to whether the Order of 23 May 2011 altered the timing for the filing of Mr. Hategekimana's Appellant's brief since the date for the submission of the proposed amended Notice of Appeal, 30 May 2011, is the same as the deadline for the filing of the Appellant's brief;<sup>6</sup>

**CONSIDERING** that the Order of 23 May 2011 expressly notes that the Appellant's brief is due by 30 May 2011;<sup>7</sup>

**FIND**, therefore, that no clarification of the Order of 23 May 2011 is necessary;

**FOR THE FOREGOING REASONS,**

**DENY** the Request.

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 20 January 2011.

<sup>2</sup> *Requête en extrême urgence d'Ildephonse Hategekimana aux fins d'être autorisé à modifier et ajouter de nouveaux moyens d'appel*, 20 May 2011 ("Motion"). Mr. Hategekimana's Notice of Appeal was filed on 16 March 2011. See *Acte d'appel du Lieutenant Ildephonse Hategekimana contre le Jugement rendu le 6 décembre 2010 par la Chambre de première instance II du Tribunal pénal international pour le Rwanda(TPIR)*, 16 March 2011 ("Notice of Appeal").

<sup>3</sup> Order for the Filing of Ildephonse Hategekimana's Proposed Amended Notice of Appeal, 23 May 2011 ("Order of 23 May 2011"), p. 2.

<sup>4</sup> *Requête en extrême urgence du Procureur aux fins de clarification de l'ordonnance du juge de la mise en état du 23 mai 2011 demandant à l'appelant Ildephonse Hategekimana de déposer [sic] un acte d'appel amendé*, 24 May 2011 ("Request"). Mr. Hategekimana will not be prejudiced by the outcome of this decision, and it is in the interests of justice to render this decision without awaiting his response to the Request.


<sup>5</sup> Request, para. 8.

<sup>6</sup> Request, paras. 2-7.

<sup>7</sup> Order of 23 May 2011, p. 1.

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

Done this twenty-sixth day of May 2011,  
at The Hague,  
The Netherlands.

  
Judge Fausto Pocar  
Pre-Appeal Judge

[Seal of the Tribunal]

