



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

15/H

*[Handwritten initials]*

ICTR-02-79-AR11bis

22<sup>nd</sup> August 2012

{15/H – 13/H}

IN THE APPEALS CHAMBER

**Before:** Judge Theodor Meron, Presiding  
**Registrar:** Mr. Adama Dieng  
**Order of:** 22 August 2012

**PHÉNÉAS MUNYARUGARAMA**

v.

**THE PROSECUTOR**

*Case No. ICTR-02-79-AR11bis*

**ORDER REGARDING APPEAL BRIEF**

**Duty Counsel:**  
Francis K. Stolla

**Office of the Prosecutor:**  
Hassan Bubacar Jallow  
James J. Arguin  
George Mugwanya  
Inneke Onsea  
Abdoulaye Seye  
François Nsanzuwera  
Erica Bussey

**ICTR Appeals Chamber**  
Date: *22<sup>nd</sup> August 12*  
Action: *R. Juma*  
Copied To: *All concerned.*

*[Handwritten initials]*

**International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda**  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS  
NAME / NOM: *NOUYHOU A. Dieng*  
SIGNATURE: *[Signature]* DATE: *22/08/2012*

**I, THEODOR MERON**, Presiding 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 “Appeals Chamber”, respectively) and Presiding Judge in this case;

**NOTING** the “Decision on the Prosecutor’s Request for Referral of the Case to the Republic of Rwanda” issued on 28 June 2012 in Case No. ICTR-02-79-R11*bis*, in which the Referral Chamber ordered that the case concerning Phénéas Munyarugarama be referred to the authorities of the Republic of Rwanda for trial;

**NOTING** the “Notice of Appeal” filed confidentially before the Tribunal by Duty Counsel for Mr. Munyarugarama on 11 July 2012 (“Notice of Appeal”);

**RECALLING** the 17 July 2012 “Order Regarding Notice of Appeal” (“Order of 17 July 2012”), wherein it was determined that, pursuant to Security Council Resolution 1966 (2010), the International Residual Mechanism for Criminal Tribunals (“Mechanism”), and not the Tribunal, has competence to conduct and complete all appellate proceedings in relation to this case;<sup>1</sup>

**RECALLING** that the Order of 17 July 2012 directed the Registrar to facilitate the cross-filing of the Notice of Appeal before the Mechanism;

**RECALLING** that the Notice of Appeal was filed before the Mechanism on 17 July 2012;

**NOTING** that Duty Counsel for Mr. Munyarugarama filed “Duty Counsel Submissions in Support of the Grounds of Appeal” (“Appeal Brief”) confidentially before the Tribunal on 31 July 2012 and publicly before the Mechanism on 1 August 2012;

**CONSIDERING** that the Tribunal lacks competence over the appellate proceedings in this case;

**FINDING** that the filing of the Appeal Brief before the Tribunal is therefore invalid;

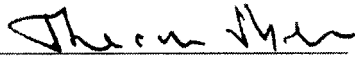
**REJECT** the filing of the Appeal Brief before the Tribunal;

**REMINDE** Duty Counsel for Mr. Munyarugarama that the Mechanism, not the Tribunal, has competence to conduct and complete all appellate proceedings in relation to this case; and

**DECLARE** that appellate proceedings in relation to *Phénéas Munyarugarama v. The Prosecutor*, Case No. ICTR-02-79-AR11bis before the Tribunal are closed.

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

Done this 22nd day of August 2012,  
At The Hague,  
The Netherlands.

  
Judge Theodor Meron  
Presiding Judge

[Seal of the Tribunal]



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<sup>1</sup> *Phénéas Munyarugarama v. The Prosecutor*, Case No. ICTR-02-79-AR11bis, Order Regarding Notice of Appeal, 17 July 2012, p. 1 *citing* U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966, 22 December 2010, paras. 1, 2 and Annex 2, Article 6.