



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

1083/H

*ET*

**IN THE APPEALS CHAMBER**

ICTR-97-31-A

19<sup>th</sup> May 2010

{1083/H - 1081/H}

**Before:** Judge Carmel Agius, Pre-Appeal Judge

**Registrar:** Mr. Adama Dieng

**Order of:** 19 May 2010

ICTR Appeals Chamber

Date: 19<sup>th</sup> May 2010

Action: *R. J. J. J.*

Copied To: *Concerned Judges,*

*Parties, Judicial Archives,*

*LOs, LSS*

**Tharcisse RENZAHO**

v.

**THE PROSECUTOR**

Case No. ICTR-97-31-A

**ORDER FOR TRANSLATION AND DOCUMENTS**

**Counsel for Mr. Tharcisse Renzaho:**

François Cantier  
Barnabé Nekuie

**Office of the Prosecutor:**

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

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
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NAME / NOM: *KSEEL... KUMELIS... A... AFANDE...*

SIGNATURE: *[Signature]* DATE: *19 May 2010*

I, **CARMEL AGIUS**, 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 ("Appeals Chamber" and "Tribunal", respectively), and Pre-Appeal Judge in this case,

**NOTING** the Trial Judgement rendered by Trial Chamber I of the Tribunal against Tharcisse Renzaho on 14 July 2009;<sup>1</sup>

**NOTING** the Notice of Appeal filed by Mr. Renzaho on 2 October 2009,<sup>2</sup> the Appellant's Brief filed confidentially by Mr. Renzaho on 2 March 2010,<sup>3</sup> the Respondent's Brief filed by the Prosecution on 13 April 2010,<sup>4</sup> and the Brief in Reply filed by Mr. Renzaho on 5 May 2010;<sup>5</sup>

**NOTING** the Order to Produce Documents, dated 27 April 2010;

**NOTING** the *Mémoire en communication de pièces ordonné* [sic] *par la Chambre*, filed by Mr. Renzaho on 4 May 2010 ("Renzaho Submissions") and the Prosecutor's Submissions Regarding Date of Disclosure of Documents, filed confidentially on 4 May 2010 ("Prosecution Submissions");

**NOTING** Ground of Appeal 3, in which Mr. Renzaho makes several arguments in relation to the *pro justitia* statement of Mr. Dieudonné Nkulikiyinka, dated 14 July 1996 ("Nkulikiyinka *pro justitia* Statement");<sup>6</sup>

**CONSIDERING** that there appears to be a discrepancy between the English and French versions of the Nkulikiyinka *pro justitia* Statement;<sup>7</sup>

<sup>1</sup> *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").

<sup>2</sup> *Acte d'Appel*, 2 October 2009 ("Notice of Appeal").

<sup>3</sup> *Mémoire d'Appel*, 2 March 2010 (confidential) ("Appellant's Brief"). See also *Livre d'appel de l'appelant*, 2 March 2010 (confidential) ("Appeal Book"); *Mémoire d'Appel Public*, 2 April 2010; *Erratum – Requête en rectification d'erreur matérielle Mémoire d'appel*, 7 April 2010.

<sup>4</sup> Prosecutor's Respondent's Brief, 13 April 2010 ("Respondent's Brief").

<sup>5</sup> *Réplique de l'Appelant*. Article 113 RPP, 5 May 2010 ("Brief in Reply").

<sup>6</sup> See Notice of Appeal, paras. 25, 27, 30, 38; Appellant's Brief, paras. 62-65, 100-104; Brief in Reply, para. 21. Mr. Renzaho provided the French version of the Nkulikiyinka *pro justitia* Statement in the Renzaho Submissions; the Prosecution provided the English, French and hand-written Kinyarwanda version of the Nkulikiyinka *pro justitia* Statement in the Prosecution Submissions.

<sup>7</sup> See Renzaho Submissions, pp. 7-9; Prosecution Submissions, Annex 3. The Appeals Chamber notes, for instance, that the English version states "When he was back, he reported to the Préfet in which area of the town the Interahamwe had exterminated the population" whereas the French version states "A son retour, il fournissait de fausses informations au Préfet en lui disant que dans tel et tel quartier de la ville, les Interahamwe avaient exterminé les gens. De cette façon, il pouvait envoyer des Interahamwe pour massacrer la population."

**FINDING** therefore that a certified translation of the statement is necessary in order to properly adjudicate this appeal;

**NOTING FURTHER** that Mr. Renzaho did not provide several documents he asserts are relevant to Ground of Appeal 3 in his Appeal Book;<sup>8</sup>

**FOR THE FOREGOING REASONS**, pursuant to Rule 108bis(B) of the Rules of Procedure and Evidence of the Tribunal ("Rules");

**INSTRUCT** the Registry to provide a certified translation into French and English of the Kinyarwanda version of the Nkulikiyinka *pro justicia* Statement, under confidential cover, no later than 10 days from the date of this Order;<sup>9</sup>

**ORDER** Mr. Renzaho to provide the following documents within 5 days of the date of this Order:

- i. Letter to the Registry dated 19 June 2007;
- ii. Mail to the Registry, dated 27 July 2007; and
- iii. Letter to the Registry, dated 18 October 2007, attaching a letter from Eugène Hatangimana.

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

Done this nineteenth day of May 2010,  
at The Hague,  
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to be 'Carmel Agius', written over a horizontal line.

Judge Carmel Agius  
Pre-Appeal Judge

<sup>8</sup> See Appellant's Brief, para. 71.

<sup>9</sup> See Prosecution Submissions, Annex 3; Index Number 951/A-943/A.