

ICTR-07-91-AR  
25-01-2011  
(546/A - 543/A)

546/A  
A



**International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda**

**BEFORE THE APPEALS CHAMBER**

Before: Judge Patrick Robinson, Presiding  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Liu Daqun  
Judge Andréia Vaz

Registrar: Mr. Adama Dieng, Registrar

Date Filed: 25 January 2011

**LÉONIDAS NSHOGOZA**

v.

**THE PROSECUTOR**

Case #: ICTR-2007-91-AR

JUDICIAL RECORDS/ARCHIVE  
RECEIVED

2011 JAN 25 P 8:02

*Patrick Robinson*

**SUBMISSIONS CONCERNING REPLY**

**Office of the Prosecutor**

Richard Karegyesa  
Paul Ng'arua  
Abdoulaye Seye  
Dennis Mabura

**Counsel for Léonidas Nshogoza**

Allison Turner

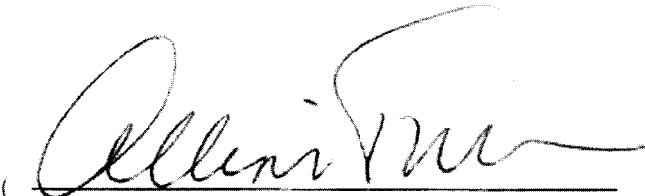
TO THE HONOURABLE APPEALS CHAMBER,

1. Counsel for the Appellant wishes to clarify the circumstances surrounding the filing of the Appellant's Reply, the date stamp on which reads 17 January 2011.
2. Given that the Respondent's Response was circulated by the Registry and received by the Appellant on Monday 10 January 2011, Counsel's understanding was that the deadline to file a Reply was four days later i.e. 14 January 2011. Annexure A shows that the Appellant's Reply was electronically filed by email from Montreal, Quebec on 14 January 2011 at 3:59/4:00 p.m.,<sup>1</sup> or 9:59/10:00 p.m. (The Hague, Netherlands time), or 11:59/12:00 p.m. (Arusha, Tanzania time). Counsel relied on past Appeals Chambers practice which accepted filings until midnight of the due date.<sup>2</sup>
3. The Appeals Chamber decision in *Nsengimana*, which was cited throughout the Respondent's Response, was not posted on the ICTR web site. After making several attempts to obtain a copy, Counsel received the decision on 14 January 2011. Upon reviewing same, Counsel re-drafted the Reply with a greater focus on the *Nsengimana* decision.

Word Count – 289

**THE WHOLE** respectfully submitted,

Montreal, 14 January 2011

  
Allison Turner  
Counsel for Léonidas NSHOGOZA

<sup>1</sup> See Annexure A. The time shown on the computer belonging to Appellant's Counsel is one minute ahead.

<sup>2</sup> For example, Appellant's Appeal Brief filed and stamped 11:55 p.m. 28 December 2010 and the Appeal Brief filed for Mr Nshogoza's appeal of 7 July 2009 Judgement filed and stamped 11:08 p.m. 6 August 2009.

544/A

**ANNEXURE A**

543/A



Allison Turner <allisonturner18@gmail.com>

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## Mr Nshogoza's reply

Allison Turner <allisonturner18@gmail.com>

Fri, Jan 14, 2011 at 4:00 PM




To: Koffi Afande <afande@un.org>, Rosette Muzigo-Morrison <muzigo-morrison@un.org>, Constant Hometowu <hometowu@un.org>, Odette Bilepo <bilepo@un.org>

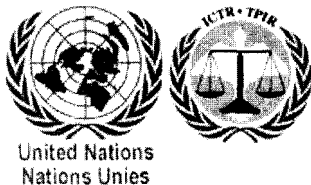
please find Reply of Mr Nshogoza

--  
Allison Turner, Attorney / Avocat  
2240 St. Antoine West  
Montreal, Quebec, H3J 1A7 Canada  
Tel: [514-932-4430](tel:514-932-4430)

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### 3 attachments

-  Reply 14Jan2011.doc  
126K
-  Title Page.doc  
113K
-  CMS Form Reply ADD PAGE NUMBERS.doc  
175K



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**COURT MANAGEMENT SECTION**  
(Art. 27 of the Directive for the Registry)

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	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input checked="" type="checkbox"/> Appeals Chamber / Arusha Chamber II F. A. Talon		<input checked="" type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison
<b>From:</b>	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence <b>ALLISON TURNER</b> (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
<b>Case Name:</b>	The Prosecutor vs. <b>LÉONIDAS NSHOGOZA</b>		<b>Case Number:</b> ICTR-2007-91-AR	
<b>Dates:</b>	Transmitted: <b>25 January 2011</b>		Document's date: <b>25 January 2011</b>	
<b>No. of Pages:</b>	<b>5</b>	<b>Original Language:</b>	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
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		<input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Submission from parties <input type="checkbox"/> Accused particulars		

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Filing Party hereby submits only the original, and **will not submit** any translated version.

Reference material is provided in annex to facilitate translation.

Target Language(s):  
 English                                       French                                       Kinyarwanda

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**CMS SHALL NOT** take any action regarding translation.

Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

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Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

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**CMS SHALL NOT** take any action regarding translation.

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<b>Date:</b> 26/01/2011	<b>Case Name / affaire:</b> -L. Nshogoza	
	<b>Case No / no. de l'affaire:</b> ICTR-07-91-A	
<b>To:</b> <b>A:</b>	<b>Appeals Chamber Support Unit, The Hague:</b> - Mr. Koffi Afande - Ms. Rosette Muzigo-Morrison - Mr. Ramadhani T. Juma	<input checked="" type="checkbox"/> Judge / Juge, Patrick Robinson, Presiding <input checked="" type="checkbox"/> Judge / Juge Mehmet Guney <input checked="" type="checkbox"/> Judge / Juge Fausto Pocar <input checked="" type="checkbox"/> Judge / Juge Liu Daqun <input checked="" type="checkbox"/> Judge / Juge Andresia Vaz
	<b>ACCUSED / DEFENSE</b> <input checked="" type="checkbox"/> Accused / <i>Accusé</i> <b>NSHOGOZA...</b> <small>see / voir "CMS4"</small> <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : <b>A. TURNER</b> <input type="checkbox"/> In Arusha / à Arusha: <small>(see / voir CMS3)</small> <input type="checkbox"/> Fax: <input type="checkbox"/> Co-Counsel / <i>Conseil Adjoint</i> : <input type="checkbox"/> Arusha <small>(see / voir CMS3)</small> <input type="checkbox"/> Fax:	
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