

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 Andrézia 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

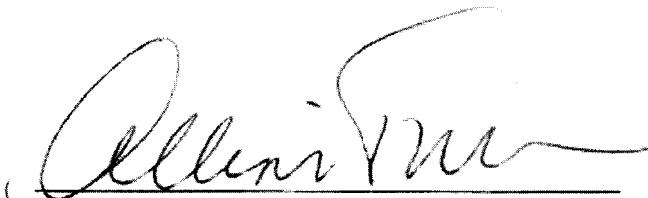
TO THE HONOURABLE APPEALS CHAMBER,

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.,¹ 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.²
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

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

² 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>

Mr Nshogoza's reply

Allison Turner <allisonturner18@gmail.com>




Fri, Jan 14, 2011 at 4:00 PM

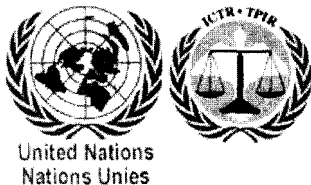
To: Koffi Afande <afande@un.org>, Rosette Muzigo-Morrison <muzigo-morrison@un.org>, Constant Hometowu <hometowu@un.org>, Odette Bilepo <bilepo@un.org>

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)

3 attachments

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



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

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

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Trial Chamber III A. N'Gum
	<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
From:	<input type="checkbox"/> Chamber (names)	<input checked="" type="checkbox"/> Defence ALLISON TURNER (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. LÉONIDAS NSHOGOZA		Case Number: ICTR-2007-91-AR	
Dates:	Transmitted: 25 January 2011		Document's date: 25 January 2011	
No. of Pages:	5	Original Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	Submissions Concerning Reply			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex Parte <input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		
		<input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Submission from parties <input type="checkbox"/> Accused particulars		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

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

CMS SHALL NOT take any action regarding translation.

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

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

CMS SHALL NOT take any action regarding translation.

Filing Party **will be submitting the translated version(s)** in due course in the following language(s):

English French Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DCDMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
---	--

III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines:



**COURT MANAGEMENT
ADMINISTRATION DES CHAMBRES**

UNITED NATIONS
NATIONS UNIES

Arusha International Conference Centre
P.O.Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

**APPEALS - PROOF OF SERVICE – BY FAX
PREUVE DE NOTIFICATION - CHAMBRE D'APPEL – PAR FAX**

Date: 26/01/2011	Case Name / affaire: -L. Nshogoza	
	Case No / no. de l'affaire: ICTR-07-91-A	
To: A:	Appeals Chamber Support Unit, The Hague: - 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
	ACCUSED / DEFENSE <input checked="" type="checkbox"/> Accused / <i>Accusé</i> NSHOGOZA... <small>see / voir "CMS4"</small> <input checked="" type="checkbox"/> Lead Counsel / <i>Conseil Principal</i> : A. TURNER <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:	
	OTP / BUREAU DU PROCUREUR <input type="checkbox"/> Hassan Bubacar Jallow, Prosecutor <input type="checkbox"/> B. Majola, Deputy Prosecutor <input type="checkbox"/> James Arguin <input checked="" type="checkbox"/> Senior Trial Attorney in charge of case: <small>(<input type="checkbox"/> A. Seye</small> <input type="checkbox"/> The Hague / <i>La Haye</i> <input type="checkbox"/> Arusha <small>(see / voir CMS3)</small> <input type="checkbox"/> Kigali	
From: De:	<input type="checkbox"/> (Chief, CMS) <input type="checkbox"/> (Chief, JPU) <input checked="" type="checkbox"/> C. Hometowu (TC III) <input type="checkbox"/> F. A. Talon (Team IV) <input type="checkbox"/> Other	
CC:	<input type="checkbox"/> Registrar <input type="checkbox"/> OLA, NY <input type="checkbox"/> Deputy Registrar <input type="checkbox"/> Press <input type="checkbox"/> ICTR Spokesperson <input type="checkbox"/> SAR <input type="checkbox"/> WVSS <input type="checkbox"/> DCDMS <input type="checkbox"/> CSS <input type="checkbox"/> SADR <input type="checkbox"/> Other	
Subject Objet:	Kindly find attached the following documents / <i>Veillez trouver en annexe les documents suivants:</i>	
Documents name / titre du document	Date Filed / Date enregistrée	Pages
SUBMISSIONS CONCERNING REPLY	26/01/2011	546/A – 543/A

CENTRAL REGISTRY: ALL FAX TRANSMISSION SHEETS MUST BE ANNEXED TO THIS FORM No. of pages transmitted including this cover sheet / *Nombre de pages transmises, page de garde comprise: 111*
 In case of transmission difficulties, please contact: Central Registry / *En cas de difficulté de transmission, veuillez contacter:*
 Tel: 212-963 4828 ext. 5333, 5063 Fax: 212-963 2848 Email: giani@un.org or lipscombe@un.org