



UNITED NATIONS
NATIONS UNIES

ICTR-01-69
17-02-2010
(3726-3725)

International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
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TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Sergei Alekseevich Egorov
Judge Florence Rita Arrey

Registrar: Adama Dieng

Filed on: 17 February 2010

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JUDICIAL RECORDS ARCHIVE
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THE PROSECUTOR

V.

HORMISDAS NSENGIMANA

Case No. ICTR-01-69

**PROSECUTION'S FURTHER FILING TO ITS MOTION REQUESTING
IMPOSITION OF CONDITIONS ON NSENGIMANA'S LIBERTY
PENDING ITS DECISION TO APPEAL**

Office of the Prosecutor:

Alex Obote-Odora
Linda Bianchi
Renifa Madenga
Priyadarshini Narayanan

Defence Counsel

Emmanuel Altit
David Hooper

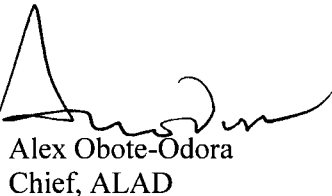
1. On 17 November 2009, Trial Chamber I delivered its Judgement in the case of *The Prosecutor v Hormisdas Nsengimana* in which it acquitted Nsengimana on all counts.¹ On 19 November 2009, the Prosecution filed a Motion before the Trial Chamber requesting the imposition of certain restrictions on Nsengimana's liberty until such time that a decision on whether or not to appeal was made in the case.² The Trial Chamber granted the Motion in part, requesting Nsengimana to inform the Tribunal and his counsel of his whereabouts in the event that there was a change in his present residence before the expiration of the period of filing a notice of appeal.³

2. The Prosecution was granted 30 days, from the date of filing of the written Trial Judgement, to file its notice of appeal.⁴ Since the written Judgement in this case was filed on 18 January 2010, the time period to file a notice of appeal runs until 17 February 2010. After a careful consideration of the written Judgement, the Prosecution does not intend to launch an appeal against the acquittal in this case.

3. In a similar case, the *Kabiligi* Trial Chamber confirmed its jurisdiction, based on Rule 99(B) of the Rules of Procedure and Evidence and its inherent authority to ensure the enforcement of the judgement, to issue such consequential decisions and orders as may be necessary, in the interests of justice, concerning acquitted persons.⁵ In light of this and the Prosecution's decision not to appeal, and in the interests of justice, the Prosecution wishes to inform the Trial Chamber that it will not renew its request to impose conditions on Nsengimana's liberty beyond the time period for filing a notice of appeal.

Dated 17 February 2010, at Arusha, Tanzania

Word Count : 374



Alex Obote-Odora
Chief, ALAD

¹ Summary of Judgement, 17 November 2009.

² Prosecution Extremely Urgent Motion Requesting Imposition of Conditions on Nsengimana's Liberty Pending its Decision to Appeal, filed on 19 November 2009.

³ Decision on the Prosecution Motion to Impose Restrictions on Nsengimana's Liberty (TC), 24 November 2009.

⁴ Decision on Prosecution's Motion for Extension of Time to File a Notice of Appeal (AC), 11 December 2009.

⁵ *Prosecutor v. Bagosora et al.*, Case No. ICTR-98-41-T, Decision on Prosecution Motion Requesting the Trial Chamber to Lift Conditions on Gratién Kabiligi's Liberty (TC), 24 March 2009, para. 3.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

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

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To:	<input checked="" 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"/> OIC, JLSD P. Besnier		<input type="checkbox"/> OIC, JPU C. K. Hometowu		<input type="checkbox"/> Appeals Chamber / The Hague K. K. A. Afande R. Muzigo-Morrison	
From:	<input type="checkbox"/> Chamber (names)		<input type="checkbox"/> Defence (names)		<input checked="" type="checkbox"/> Prosecutor's Office Alex Obote-Odora (names)	
Case Name:	The Prosecutor vs. Hormisdas Nsengimana				Case Number: ICTR-01-69	
Dates:	Transmitted: 17 February 2010			Document's date: 17 February 2010		
No. of Pages:	2		Original Language: <input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda			
Title of Document:	PROSECUTION'S FURTHER FILING TO ITS MOTION REQUESTING IMPOSITION OF CONDITIONS ON NSENGIMANA'S LIBERTY PENDING ITS DECISION TO APPEAL					
Classification Level:			TRIM Document Type:			
<input type="checkbox"/> Ex Parte			<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties			
<input type="checkbox"/> Strictly Confidential / Under Seal			<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties			
<input type="checkbox"/> Confidential			<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars			
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<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: