



UNITED NATIONS
NATIONS UNIES

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

Arusha International Conference Centre
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APPEALS CHAMBER

Before: Judge Mehmet Güney
Judge Fausto Pocar
Judge Andréia Vaz
Judge Theodor Meron
Judge Carmel Agius

ICTR-99-52A-R
17-05-2010
(75/A - 74/A)

Registrar: Mr. Adama Dieng

Date filed: 17 May 2010

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JUDICIAL RECORDS/ARCHIVES
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Ferdinand NAHIMANA

v.

THE PROSECUTOR

Case No. ICTR-99-52B-R

FURTHER PROSECUTOR'S SUBMISSIONS

*on Mr. Nahimana's Letter to the President of the Tribunal concerning
"Reconsideration de l'Arrêt du 28/11/2007"*

For the Prosecutor

Alex Obote-Odora
Christine Graham
Abdoulaye Seye

For the Applicant

Ferdinand Nahimana, *pro se*

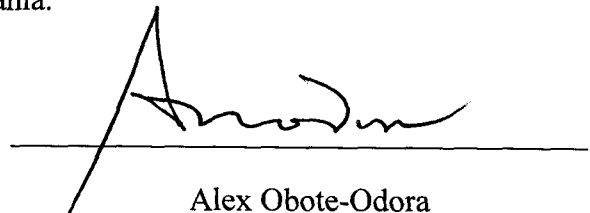
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SUBMISSIONS

1. On 7 May 2010, Mr. Ferdinand Nahimana filed a letter in which he requested the President of the ICTR, Judge Dennis C. M. Byron, to intervene before the Appeals Chamber with the aim of moving the Appeals Chamber to consider his second request for reconsideration of the Appeal Judgement in his case.¹ The Application was attached to the Letter.

2. Considering that the letter was addressed to Judge Byron, as President of the ICTR, the Prosecutor made written submissions before the same body, on 13 May 2010.² The Appeals Chamber is now seized of the matter.³ The Prosecutor incorporates by reference the arguments made in his First Submissions. Mr. Nahimana's letter should be rejected. There is no provision in the Statute or the Rules of Procedure and Evidence under which the President may intervene to move the Appeals Chamber as requested by Mr. Nahimana and the Appeals Chamber has no jurisdiction to entertain an application for reconsideration of a final judgement.⁴

DATED this 17th May 2010 at Arusha, Tanzania.



Alex Obote-Odora

Chief, Appeals and Legal Advisory Division

¹ Reconsidération de l'Arrêt du 28/11/2007, filed on 7 May 2010 ["Letter" and "Application"].

² Prosecutor's Submissions on Mr. Nahimana's Letter to the President of the Tribunal concerning "Reconsideration de l'Arrêt du 28/11/2007", filed before the President of the ICTR on 13 May 2010 ["First Submissions"].

³ Order Assigning Judges to a Case before the Appeals Chamber, 13 May 2010.

⁴ *Jean-Bosco Barayagwiza v. The Prosecutor*, Case No.: ICTR-99-52A-R, Decision on Jean-Bosco Barayagwiza's Motion for Review and/or Reconsideration of the Appeal Judgement of 28 November 2007, 22 June 2009, para. 20, referring to *The Prosecutor v. Zoran Zigic*, Case No.: IT-98-30/1-A, Decision on Zoran Zigic's "Motion for Reconsideration of Appeals Chamber Judgement IT-98-30/1-A delivered on 28 February 2005", 26 June 2006 ("*Zigic Decision*"), para. 9; *Ferdinand Nahimana v. The Prosecutor*, Case No. ICTR-99-52-B-R, Decision on Ferdinand Nahimana's "Notice of application for Reconsideration of Appeal Decision due to Factual Errors Apparent on the Record", 21 April 2008.

