



ICTR 98-041
11-13-2012
40775-40774
40775

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

OR: ENG

OFFICE OF THE PRESIDENT

Before: Judge Vagn Joensen
President

Registrar: Adama Dieng

Date: 17 July 2012

In Re.

André NTAGERURA, Case No. ICTR-99-46
Gratien KABILIGI, Case No. ICTR-98-41
Jérôme-Clément BICAMUMPAKA, Case No. ICTR-99-50
Casimir BIZIMUNGU, Case No. ICTR-99-50

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Adama Dieng

DECISION ON THE MOTION SEEKING AN ORDER FROM A TRIAL CHAMBER
REGARDING THE RELOCATION OF ACQUITTED PERSONS

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS
NAME / NOM: *Mathia Hunt*
SIGNATURE: *Mathia Hunt* DATE: *28 July 2012*


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1. André Ntagerura, Gratien Kabiligi, Jérôme-Clément Bicamumpaka and Casimir Bizimungu (“Applicants”) were acquitted by this Tribunal. In a motion filed on 29 June 2012, they request the President of the Tribunal to designate a Trial Chamber to issue the necessary requests for cooperation under Article 28 (2) of the Statute to facilitate their relocation to specific States.¹
2. The Appeals Chamber, in a decision of 18 November 2008 in *Ntagerura*, held that “there is no legal duty under Article 28 of the Statute for States to cooperate in the relocation of acquitted persons”, but “has a duty to ensure the welfare of the acquitted person.”² This duty is carried out by the Registrar.
3. The Applicants submit that the Appeals Chamber Decision is erroneous.³
4. I note that I am bound by the interpretation of the Statute laid down by the Appeals Chamber. Thus, the Statute does not empower any Trial Chamber to grant the Applicants the relief they are seeking. Therefore, I have no reason to assign a Trial Chamber to deal with the matter at hand.

FOR THESE REASONS, I

DISMISS the Motion in its entirety.

Arusha, 17 July 2012, done in English.


Judge Vagn Joensen
President

[Seal of the Tribunal]



¹ In *Re. André Ntagerura*, Case No. ICTR-99-46, *Gratien Kabiligi*, Case No. ICTR-98-41, *Jérôme-Clément Bicamumpaka*, Case No. ICTR-99-50, *Casimir Bizimungu*, Case No. ICTR-99-50, Motion Seeking Orders from a Trial Chamber Regarding the Relocation of Acquitted Persons, filed on 29 June 2012 (“Motion”).

² In *Re. André Ntagerura*, Case No. ICTR-99-46, Decision on Motion to Appeal the President’s Decision of 31 March 2008 and the Decision of Trial Chamber III of 15 May 2008, 18 November 2008, paras. 14 and 15.

³ *Id.*, paras. 14-15.



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Case Name:	The Prosecutor vs. André NTAGERURA, Gratién KABILIGI, Jérôme-Clément BICAMUMPAKA, Casimir BIZIMUNGU		Case Number: ICTR-99-46, 99-41, 99-50 CROSS-FILING
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