



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

1383/H  
*CH*

ICTR-98-44-A

IN THE APPEALS CHAMBER

7<sup>th</sup> Feb. 2014

Before:

Judge Theodor Meron, Pre-Appeal Judge

**{1383/H – 1381/H}**

Registrar:

Mr. Bongani Majola

Decision of:

7 February 2014

**ÉDOUARD KAREMERA  
MATTHIEU NGIRUMPATSE**

v.

**THE PROSECUTOR**

*Case No. ICTR-98-44-A*

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**DECISION ON MATTHIEU NGIRUMPATSE'S MOTION UNDER RULE 108bis (E) OF  
THE RULES OF PROCEDURE AND EVIDENCE**

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Takeh Sendze  
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Sunkarie Ballah- Conteh  
William Mubiru  
Ndéye Marie Ka  
Mihary Andrianaivo

ICTR Appeals Chamber  
07 FEB 2014  
Date: *Yunia R.*  
Action: *Chambers, Defence*,  
Copied To: *OIP-AIAS USA*

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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NAME / NOM: ROSETTE MUZIGO-MORRISON

SIGNATURE: R. MUZIGO DATE: 07/02/14

**I, THEODOR MERON**, Presiding Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in this case;<sup>1</sup>

**BEING SEISED** of the “*Requête de Matthieu Ngirumpatse aux fins d’obtention de décisions sur ses requêtes pendantes*” filed by Matthieu Ngirumpatse on 6 January 2014 (“Motion”), in which Ngirumpatse requests that I adjudicate before the appeal hearing, scheduled for 10 and 11 February 2014, three pending motions before the Appeals Chamber,<sup>2</sup> and one pending motion filed before the Trial Chamber,<sup>3</sup> or, alternatively, that I defer the motions to the Appeals Chamber for determination;<sup>4</sup>

**NOTING** the “Decision on Karemera’s and Ngirumpatse’s Motions Under Rules 68 and 115 of the Rules”, rendered by the Appeals Chamber on 6 February 2014, in which the Rule 115 Motions were denied;<sup>5</sup>

**FINDING**, accordingly, that Ngirumpatse’s request regarding the adjudication of the Rule 115 Motions is moot;

**NOTING** that the motion for reclassification that Ngirumpatse refers to in his Motion was filed before the Trial Chamber after the delivery of the trial judgement and has not been filed before the Appeals Chamber;<sup>6</sup>

**DECLINING**, therefore, to adjudicate the motion for reclassification;

<sup>1</sup> Order Assigning a Pre-Appeal Judge, 27 January 2012.

<sup>2</sup> Motion, para. 5, referring to *Requête de Matthieu Ngirumpatse connexe à la requête d’É. Karemera en admission de moyens de preuves additionnels*, Article 115 du Règlement, 27 September 2012; *Deuxième requête pour M. Ngirumpatse en admission de moyens de preuves additionnels*, Article 115 du Règlement, 17 October 2012; *Requête de Matthieu Ngirumpatse aux fins de rejet des mémoires d’appelant et d’intimé du Procureur, d’annulation du jugement et d’acquittement immédiat*, Article[s] 111 B et 112 B du Règlement, 30 October 2012 (collectively, “Rule 115 Motions”).

<sup>3</sup> Motion, para. 5, referring to *Requête de Matthieu Ngirumpatse connexe à la requête d’É. Karemera en admission de moyens de preuves additionnels*, Article 115 du Règlement, 27 September 2012; *Deuxième requête pour M. Ngirumpatse en admission de moyens de preuves additionnels*, Article 115 du Règlement, 17 October 2012; *Requête de Matthieu Ngirumpatse aux fins de rejet des mémoires d’appelant et d’intimé du Procureur, d’annulation du jugement et d’acquittement immédiat*, Article[s] 111 B et 112 B du Règlement, 30 October 2012 (collectively, “Rule 115 Motions”).

<sup>4</sup> Motion, para. 5, referring to *The Prosecutor v. Édouard Karemera and Matthieu Ngirumpatse*, Case No. ICTR-98-44-T, *Décision faisant suite à l’ordonnance de la Chambre concernant la communication confidentielle du Procureur d’éléments de preuve en vertu de l’Article 68(A)*, 15 November 2011 (strictly confidential).

<sup>5</sup> Motion, paras. 5, 13. The Appeals Chamber notes that the Prosecution did not respond to the Motion.

<sup>6</sup> Decision on Karemera’s and Ngirumpatse’s Motions Under Rules 68 and 115 of the Rules, 6 February 2014, para. 64.

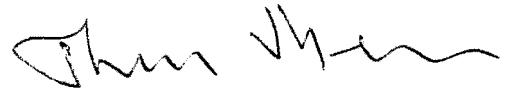
**FOR THE FOREGOING REASONS,**

**DISMISS** the Motion.

Done in English and French, the English version being authoritative.

Done this 7th day of February 2014,  
At The Hague,  
The Netherlands.



  
\_\_\_\_\_  
Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]

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<sup>6</sup> Motion, para. 5. See also *The Prosecutor v. Mathieu Ngirumpatse*, Case No. ICTR-98-44-AR, Mathieu Ngirumpatse's Motion Seeking Reclassification of the Decision of 15 November 2011 and the Relevant Procedure, 12 June 2012. The original French version was filed on 19 April 2012.



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To: A:	<input checked="" type="checkbox"/> Edouard Karemera, <input checked="" type="checkbox"/> Mathieu Ngirumpatse	TO BE FILLED IN BY THE DETAINEE <i>A COMPLETER PAR LE DETENU</i> Signature			Date, Time / Heure
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Decision on Mathieu Ngirumpatse's Motion under Rule 108 of the RPE			7 février 2014	1383/H – 1381/H	