



1383/H

Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-98-44-A

IN THE APPEALS CHAMBER

7th 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

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

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ICTR Appeals Chamber
07 FEB 2014
Date: *Dunia R.*
Action: *Chambres, Defuse,*
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *ROSETTE MUZIGO-MORRISON*
SIGNATURE: *[Signature]* 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;¹

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,² and one pending motion filed before the Trial Chamber,³ or, alternatively, that I defer the motions to the Appeals Chamber for determination;⁴

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;⁵

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;⁶

DECLINING, therefore, to adjudicate the motion for reclassification;

¹ Order Assigning a Pre-Appeal Judge, 27 January 2012.

² 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’acquiescement immédiat, Article[s] 111 B et 112 B du Règlement*, 30 October 2012 (collectively, “Rule 115 Motions”).

³ 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’acquiescement immédiat, Article[s] 111 B et 112 B du Règlement*, 30 October 2012 (collectively, “Rule 115 Motions”).

⁴ 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).

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

⁶ 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.



[Seal of the Tribunal]

Judge Theodor Meron
Pre-Appeal Judge

⁶ Motion, para. 5. See also *The Prosecutor v. Mathieu Ndirumpatse*, Case No. ICTR-98-44-AR, Mathieu Ndirumpatse'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.



**COURT MANAGEMENT
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		Case No / no. de l'affaire:	ICTR-98-44-A	
To:	<input checked="" type="checkbox"/> Edouard Karemera, <input checked="" type="checkbox"/> Mathieu Ngirumpatse	TO BE FILLED IN BY THE DETAINEE A COMPLETER PAR LE DETENU		
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