United Nations
Mechanism for International Criminal Tribunals

Case No.: MICT-12-16-R

**IN THE APPEALS CHAMBER**

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Christoph Flügge
Judge Burton Hall
Judge Ben Emmerson

Registrar: Mr. Olufemi Elias

Date filed: 17 May 2017

**ELIÉZER NIYITEGEKA**

**v.**

**THE PROSECUTOR**

***Public***

# NIYITEGEKA'S APPEAL OF THE "DECISION ON NIYITEGEKA'S URGENT REQUEST FOR ORDERS RELATING TO PROSECUTION WITNESSES" and "DECISION ON A REQUEST FOR CERTIFICATION"

**Eliézer Niyitegeka**:

Mr. Philippe Larochelle, Counsel
Mr. Sébastien Chartrand, Assistant

**Office of the Prosecutor**:

Serge Brammertz
Richard Karegyesa
Sunkarie Ballah-Conteh

## I. INTRODUCTION

1. On 21 December, 2015, Eliézer Niyitegeka ("Niyitegeka") filed his *Urgent Request for Orders Relating to Prosecution Witnesses* ("*Niyitegeka's Request*"), seeking (i) disclosure of all statements, exhibits and transcripts from other ICTR cases pertaining to Prosecution witnesses in Niyitegeka's case, and (ii) to interview the Prosecution witnesses in Niyitegeka's case or, alternatively, (iii) to issue the appropriate orders to obtain signed statements from these witnesses regarding, *inter alia*, their judicial records, immigration records, and evidence provided in other cases. The Prosecution responded to *Niyitegeka's Request* on 4 January 2016, and Niyitegeka replied on 8 January 2016;

2. On 12 January 2016, the President of the Mechanism ordered the assignment of a single judge to consider *Niyitegeka's Request*;

3. On 29 January 2016, the single judge issued his *Decision on Niyitegeka's Urgent Request for Orders Relating to Prosecution Witnesses* (the "*First Impugned Decision*"), dismissing *Niyitegeka's Request* in its entirety. However, the *First Impugned Decision* was only circulated on 1 February 2016;

4. On 8 February 2016, Niyitegeka filed his *Request for certification of the Decision on Niyitegeka's Urgent Request for Orders Relating to Prosecution Witnesses* pursuant to Rule 80 (B) and (C) of the *MICT Rules* ("*Niyitegeka's Request for certification*"), seeking certification of the *First Impugned Decision*, and with it, a determination of the extent of the Prosecution's disclosure obligations toward convicted persons, in particular regarding subsequent statements and testimonies of Prosecution witnesses material to securing their conviction;

5. On 28 April 2017, the Registrar filed its *Registrar's Submissions pursuant to Rule 31 (B) of the Rules*, informing the single judge that, due to a processing error, *Niyitegeka's Request* was not properly distributed at the time of filing, therefore redistributing the filing to all authorised recipient on the distribution list;

6. On 9 May 2017, Niyitegeka received the *Prosecution Response* opposing Niyitegeka's *Request for certification* (A) on the ground that Rule 80 (B) of the *MICT Rules* would bar from certification after the close of appeal proceedings in any given case, and (B) on the ground that certification is not warranted as the jurisprudence on the issue raised in the certification is clear, so that appellate intervention would not advance the proceedings in any way;

7. On 10 May 2017, Niyitegeka received the single judge *Decision on a Request for Certification* (the "*Second Impugned Decision*"), stating that "*Rule 80 (B) of the Rules of the Mechanism ("Rules") is not applicable to decisions rendered after the close of trial and appeal proceedings of a case and that decisions regarding witness protective measures do not require certification*", referring to the decision rendered by the Appeals Chamber in the *Kamuhanda* case on 14 November 2016,[1] therefore dismissing *Niyitegeka's Request for certification* in its entirety;

8. Niyitegeka hereby seeks leave to appeal both the *First Impugned Decision* and the *Second Impugned Decision* for the following reasons: (i) the single judge erred in finding that Niyitegeka "merely advanced a broad and speculative assertion that any evidence provided by the witnesses in other proceedings before the ICTR necessarily serves a legitimate forensic purpose"[2] and thereby erred in his delimitation of the Prosecution's disclosure obligations concerning subsequent statements and testimonies of Prosecution witnesses; and (ii) the single judge then erred in the *Second Impugned Decision* in applying the same flawed reasoning that led to the *First Impugned Decision*, considering the orders sought by *Niyitegeka's Request* as a Rule 86 issue, instead of an issue pertaining to access to material, confidential or not, pursuant to Rule 73, therefore dismissing his *Request for certification*;

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[1] *Prosecutor v. Jean De Dieu Kamuhanda,* Case No. MICT-13-33, Decision on Appeal of Decision Declining to Rescind Protective Measures for a Deceased Witness, 14 November 2016, ("*Kamuhanda 14 November 2016 Decision*"), para. 6.
[2] *First Impugned Decision*, para. 9.

## II. APPLICABLE LAW

9. The Appeals Chamber previously considered that the certification for appeal contemplated at Rule 73 of the *ICTR Rules* (equivalent to Rule 80 of the *MICT Rules*) was only applicable at the time of proceedings before Trial Chambers.[3] However, the Appeals Chamber determined, *proprio motu*, that there is a right to appeal a decision pursuant to Rule 75 (G) of the *ICTR Rules* (equivalent to Rule 86 (G) of the *MICT Rules*), even when that decision was rendered after the close of trial and appeal proceedings;[4]

10. In this regard, the Appeals Chamber stated that an appeal of a Rule 75 (G) decision is available since the issue concerns the important question of balance between the right of the convicted person to access potentially exculpatory material and the need to guarantee the protection of victims and witnesses, therefore creating a substantive appeal for decisions rendered after the close of trial and appeal proceedings, if the applicant demonstrates that the Chamber committed a discernable error in its decision because it was based on an incorrect interpretation of the governing law, a patently incorrect conclusion of fact, or because it was so unfair or unreasonable as to constitute an abuse of discretion;[5]

11. The Appeals Chamber also laid out the applicable procedure for these appeals, giving seven (7) days to the Applicant to appeal, ten (10) days for the Prosecutor to respond, and four (4) days to the Applicant to reply;[6]

12. However, on 8 August 2016, Judge Aminatta Lois Runeni N'gum certified for appeal her earlier decision refusing to rescind the protective order in relation to a deceased witness, applying the certification standards of Rule 80 (B) of the *MICT Rules* to her decision;[7]

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[3] *Niyitegeka 20 June 2008 Decision*, para. 13.
[4] *Eliézer Niyitegeka v. The Prosecutor*, Case No. ICTR-96-14-R75, Decision on Motion for Clarification, 20 June 2008, ("*Niyitegeka 20 June 2008 Decision*"), paras 13-14.
[5] *Ibid*, para. 14.
[6] *Ibid*, para. 16.
[7] *The Proscutor v. Jean De Dieu Kamuhanda,* Case No. MICT-13-33, Decision on a Request for Certification to Appeal, 8 August 2016. ("*Kamuhanda 8 August 2016 Decision*")

13. Conversely, on 1 November 2016, Judge Vagn Joensen summarily dismissed a request for certification to appeal his decision denying the applicant's motion to have access and interview a protected witness, on the ground that this certification was falling outside the ambit of Rule 80, which applies only to interlocutory decisions taken in the context of trial proceedings;[8]

14. On 14 November 2016, quoting the *Niyitegeka 20 June 2008 Decision*, the Appeals Chamber issued its decision following the *Kamuhanda 8 August 2016 Decision*, reiterating the fact that despite the inapplicability of Rule 80 (B) in the circumstances, an applicant is entitled to appeal a decision on witness protective measures rendered after the close of the trial and appeal proceedings;[9]

15. However, in the *Kamuhanda 14 November 2016 Decision*, nothing was said about the fact that the appeal was certified before being decided, the Appeals Chamber merely stating that it had jurisdiction over that appeal, applying the same test stated in the *Niyitegeka 20 June 2008 Decision*;[10]

16. The *Second Impugned Decision* applied the same reasoning, stating that "*Rule 80 (B) of the Rules of the Mechanism ("Rules") is not applicable to decisions rendered after the close of trial and appeal proceedings of a case and that decisions regarding witness protective measures do not require certification*";

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[8] *The Prosecutor v. Jean De Dieu Kamuhanda,* Case No. MICT-13-33, Decision on a Request for Certification to Appeal, 1 November 2016.
[9] *The Prosecutor v. Jean De Dieu Kamuhanda,* Case No. MICT-13-33, Decision on Appeal of Decision declining to rescind Protective Measures for a Deceased Witness, 14 November 2016, ("*Kamuhanda 14 November 2016 Decision*"), para. 6.
[10] *Ibid,* paras. 6-7.

## III. SUBMISSIONS

### A. The right to appeal

17. As a preliminary matter, Niyitegeka submits that his *Urgent Request for Orders Relating to Prosecution Witnesses* of 21 December 2015, which effectively sought to obtain communication from the Prosecutor of all subsequent statements of the witnesses who testified against him at trial and information from the witnesses themselves, through interviews or a questionnaire, on the existence and nature of these statements, falls within what the *Niyitegeka 20 June 2008 Decision* framed as "*issues related to access to confidential material by a convicted person [that] concern the important question of balance between the right of the convicted person to access potentially exculpatory material and the need to guarantee the protection of victims and witnesses*"; and that he is therefore entitled to challenge the *First Impugned Decision* on appeal, with or without certification;

18. Niyitegeka also submits that, considering the recent evolution of the jurisprudence on the issue since the *First Impugned Decision* of 29 January 2016 and the uncertainty relating to the issue of the need for certification and the proper procedure to follow to appeal the *First Impugned Decision*, in view of the *Kamuhanda 8 August 2016 Decision*, he should not be prejudiced for filing his *Request for certification* instead of raising the present appeal directly before the Appeals Chamber, and should therefore be allowed to file the present appeal;

19. Niyitegeka further submits that it is clear from the filing of his *Request for certification* within seven (7) days of the *First Impugned Decision* that he always intended to challenge it, and that it would be fundamentally unfair to leave him without a substantive appeal of the said decision, especially since it has been established that his appeal lies as of right and the importance of the issues at stake;

20. In this regard, the Appeals Chamber has previously held that, in application of Rule 154 relating to variation of time limits, an appeal brief would be recognized as validly filed

where not to do so would result in dismissal of the appeal and be unduly prejudicial to the applicant;[11]

21. Niyitegeka therefore submits that good cause has been shown pursuant to Rule 154, seeks leave to appeal the *First Impugned Decision*, and requests this honourable Chamber to consider the present appeal as validly filed, as if it would have been filed on 8 February 2016, in lieu of his *Request for certification*;

22. Alternatively, Niyitegeka seeks leave to appeal the *Second Impugned Decision*, as it is premised on the same incorrect interpretation of the governing law, namely, the application of Rule 86 to the orders sought by his initial *Request*, and because it would be particularly unfair and unreasonable as to constitute an abuse of discretion to leave him without an appeal of the *First Impugned Decision*;

23. If this honourable Chamber finds that the single judge erroneously relied upon Rule 86 to address the orders sought by *Niyitegeka's Request* as exclusively relating to witness protection measures, instead of applying Rule 73, as argued by Niyitegeka, it is submitted that this issue should still be considered as falling within the ambit of what the Appeals Chamber defined as "*issues related to access to confidential material by a convicted person [that] concern the important question of balance between the right of the convicted person to access potentially exculpatory material and the need to guarantee the protection of victims and witnesses*";

24. However, in light of the recent evolution of the jurisprudence on the issue of the proper procedure to challenge such decisions, Niyitegeka submits that an additional question should also be addressed by this honourable Chamber, namely: "*Apart from Rule 86, what are the issues related to access to confidential material that an applicant is entitled to challenge after the close of trial and appeal proceedings, and what is the applicable procedure in challenging such decisions ?*"

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[11] *Munyarugarama v. The Prosecutor*, No. MICT-12-09-AR14, Decision on Appeal Against the Referral of Phineas Munyarugarama's Case to Rwanda..., 5 October 2012, para. 12.

## B. The appeal

### *(i) The First Impugned Decision*

25. Regarding the *First Impugned Decision*, Niyitegeka's appeal raises the following questions:

- Did the single judge commit a discernable error in its decision as to constitute an incorrect interpretation of the governing law or a patently incorrect conclusion of fact in finding that Niyitegeka "merely advanced a broad and speculative assertion that any evidence provided by the witnesses in other proceedings before the ICTR necessarily serves a legitimate forensic purpose"[12] and thereby erred in his delimitation of the Prosecution's disclosure obligations concerning subsequent statements and testimonies of Prosecution witnesses?;
- Did the single judge decision, in refusing Niyitegeka access to subsequent statements and testimonies of Prosecution witnesses material to securing his conviction and to issue the appropriate orders enabling him to identify and access the said material, is so unfair and unreasonable as to constitute an abuse of discretion?;

26. Niyitegeka recalls that the single judge dismissed *Niyitegeka's Request* for disclosure of requested material pertaining to the twelve (12) witnesses whose testimonies were the basis for his conviction. The requested materials consisted of testimonies, exhibits and transcripts from other ICTR cases where these same witnesses had testified, often on the same events.

27. The single judge concluded that Niyitegeka's request "merely advanced a broad and speculative assertion that any evidence provided by the witnesses in other proceedings before the ICTR necessarily serves a legitimate forensic purpose".[13] His reasoning was therefore, in other words, that such a request was nothing more than a "fishing expedition".[14]

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[12] *First Impugned Decision*, para. 9.
[13] *Ibid.*
[14] *Ibid.*

28. First, it is submitted that the single judge erred in assessing Niyitegeka's request for disclosure solely on the basis of Rule 86, therefore applying the wrong standards;

29. Indeed, Niyitegeka recalls that he has consistently addressed the issue as pertaining to Prosecution's disclosure obligations of potentially exculpatory material, confidential or not, pursuant Rule 73;[15]

30. However, the *First Impugned Decision* appears to be based on the presupposition that *all* subsequent material pertaining to the twelve (12) witnesses on which Niyitegeka's conviction lies is confidential, which is most certainly not the case;

31. Whilst it is true that some subsequent material may be confidential under the procedural scheme of the ICTR and/or the MICT, Rule 86(F)(ii) allows the Prosecution to discharge its disclosure obligations regardless of any protection measures in effect, so that confidentiality should not be an impediment for the Prosecution to discharge its disclosure obligations under Rule 73;

32. The issue at stake is the extent of the Prosecutor's duty to disclose subsequent statements of Prosecution witnesses after the close of trial and appeal proceedings in a given case;

33. Whether the remedies that were sought in the initial *Request* should be granted, namely communication of such statements in possession of the Prosecutor and interview of (or questionnaires given to) Prosecution witnesses, in order to assert the existence of such subsequent statements, ultimately depend on the extent to which a convicted person is entitled to obtain such subsequent statements;

34. Niyitegeka notes that the confidential nature of the proceedings before the ICTR, where exceptional circumstances dictated that most witnesses testified anonymously and very often in closed sessions, puts the convicted persons in a situation where they find themselves

[15] *Niyitegeka's Request*, paras. 25-34; *Niyitegeka's Reply*, paras. 4-6.

unable to have knowledge and follow the subsequent statements of the witnesses who testified against them;

35. Therefore, in a normal situation, convicted persons should be able to monitor for themselves subsequent utterances of the witnesses who were material in securing their conviction, in order to assess their potential for review;

36. However, it is often impossible because, as is the case here, all the witnesses benefited from protection measures, and testify under different pseudonyms in subsequent trials;

37. Because of the existence of the protective measures for these witnesses, there is a risk that the disclosure issue be conflated with the protective measures issue, whereas this should never be the case, as Rule 86 (F) (ii) specifically puts the Prosecutor disclosure obligations above issued protective measures;

38. Therefore, if the Prosecutor is duty bound to disclose subsequent statements and testimonies of his own witnesses to those convicted by these witnesses, protective measures can never be an obstacle to such disclosure;

39. The importance of establishing some degree of monitoring regarding the subsequent statements of its own witnesses has already been acknowledged in *Blaskić,* where the Appeals Chamber imposed a duty for the Prosecution to not only disclose evidence already in its possession, but also monitor other cases before the tribunal. It held:

> Mindful of the considerable strain which the need to enforce the ruling outlined above places upon the resources provided to the Prosecution, the Appeals Chamber stresses the duty of the Prosecution to disclose exculpatory material arising from other related cases. The Appeals Chamber emphasizes that the Office of the Prosecutor has a duty to establish procedures designed to ensure that, *particularly in instances where the same witnesses testify in different cases*, the evidence provided by such witnesses is re-examined in light of Rule 68 to determine whether any material has to be disclosed.[16]

[16] *Blaskić v Prosecutor*, Case No.: IT-95-14-A, Appeals Judgement, para. 302 (emphasis added).

40. The Appeals Chamber also stressed the importance of ensuring the accused's access to justice. Upon laying down the distinction between material of a public character in the public domain, and material reasonably accessible to the Defence, it emphasized "that unless exculpatory material is reasonably accessible to the accused, namely, available to the Defence with the exercise of due diligence, the Prosecution has a duty to disclose the material itself";[17]

41. In addition, it is also submitted that whilst the Prosecution often is in a better position to retrieve relevant material, it is often not in the position to assess whether subsequent material may fall under his disclosure duties pursuant to Rule 73(A). The Prosecution is simply not in a position to know whether a witness in his subsequent testimonies has given evidence which contradict material not known to the Prosecution. Only the Defence would be in a position to make that assessment, which is yet another reason to consider such material at least to be relevant under Rule 73(B);

42. As such, it is submitted that the extent of the obligation stipulated by Rule 73(B) encompasses, *a minima*, subsequent statements and transcripts given by the same witnesses in subsequent cases and that these materials are necessarily potential "new facts" for the purpose of review proceedings, and as such sufficiently relevant to be made available to the convicted person under Rule 73(B);

43. A concrete example as to why material regarding subsequent statements and testimonies given by the same witnesses is relevant is the possibility of these witnesses being deemed not credible at a latter stage. One such case is that of witness KJ, who was believed when he testified against Niyitegeka, but who was not when he did in *Ndindiliyimana,* for example.[18] Acknowledging that differently composed Trial Chambers of this Tribunal are sovereign in their appreciation of the evidence, it remains nevertheless the case that the subsequent

[17] *Ibid*, at para 296.
[18] *Prosecutor v. Ndindiliymana et al.* Case No ICTR-00-56-T, 17 May 2011, see paras. 752-753, 766-768.

statements[19] and testimony of witness KJ should clearly have been disclosed to Niyitegeka, to give him the opportunity to assess whether these statements and testimony constitute "new facts" that could trigger the application of the review procedure. KJ also testified in the *Bagosora* case, where some of his evidence was found to be credible, but other evidence not accepted. Indeed, KJ claimed in *Bagosora* to have seen some telegrams, in Kibuye, blaming the Belgian soldiers for the death of Habyarimana.[20] This indicates that KJ has added many aspects to his evidence in this case, and that Niyitegeka is the sole person who can properly review and assess whether that evidence, when viewed in the context of his own case, can be argued to possess the quality triggering the review procedure;

44. Another example can be found in the subsequent testimony of GGH, who testified as AMM in the *Karamera* case. The trial Chamber in *Karamera* did not find GGH/AMM to be worthy of belief.[21] Again for this witness, at least two statements have yet to be disclosed to Niyitegeka, including one which seems to contain a negative assessment of its witness by the Prosecution.[22] In fact, this sovereign discretion of the Trial Chambers in the appreciation of evidence dictates that subsequent material of witnesses be disclosed regardless of the appreciation of their credibility by the Trial Chambers, as material deemed unimportant by the second Trial Chamber may very well appear crucial to the first, a determination which the Prosecution is clearly not in a position to make;

45. The fact that the Prosecution has been reminded on several occasions of his continuous duty to disclose exculpatory evidence to Niyitegeka[23] also dictates that precautions be taken in ensuring that the Prosecution fulfills his role in properly identifying and communicating evidence which may support review proceedings to the accused. This task should not be left to chance or leave the accused or convicted person in a position where he can only obtain

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[19] The transcripts of KJ in Ndindiliyimana reveals that he signed at least one subsequent statement, on 14 January 2004, see *Ndindiliyimana et al.* Transcripts of 24 March 2006, lines 5-10

[20] *Prosecutor v. Bagosora et al.* Case No ICTR-98-41-T, 18 December 2008, see paras. 790.

[21] *Prosecutor v Karamera et al.* Case No ICTR-98-44-T, 2 February 2012, see paragraph 1209.

[22] Respectively D.K18 and D.K22 in *Karemera. See Karemera* Transcripts, June 21 2007, pages 19-23, 34-36.

[23] ICTR-96-14-R : *Niyitegeka v. Prosecutor,* Decision on Request for Review, 30 June 2006, paras. 55, 61, 68 and 76 ; *Niyitegeka v. Prosecutor,* Decision on Request for Review, 6 March 2007, para. 29, *Niyitegeka v. Prosecutor,* Decision on Third Request for Review, 23 January 2008, paras 22-29, ICTR-96-14 : *Niyitegeka v. Prosecutor* and Decision on Eliézer Niyitegeka's Request for Disclosure, 19 August 2011.

that material by breaching confidential orders, as has unfortunately happened in the past in this case;

46. Whilst it is true that the determination of what amounts to potentially exculpatory material must initially be determined by the Prosecutor, it is submitted that statements of Prosecution witnesses fall in a totally different category, as evidenced by the fact that they are dealt with by specific provisions of the Rules;[24]

47. It is submitted that it is the very essence of a witness' statement that it can potentially affect the credibility of its author, either in a manner that is directly discernable when comparing the subsequent statement with past ones, or in a manner that is not immediately evident to the Prosecutor, because the subsequent statement contradict information which was not used by the accused during his trial, and which would not be readily accessible to the Prosecutor;

48. It is also submitted that the potential of a witness statement to affect the credibility of its author does not diminish because the statement is given after, rather than before, any given testimony;

49. It is therefore submitted that, correctly applied, the test for post-proceedings disclosure lead to the result that a further statement always has the potential to affect the credibility of its author, whereas further evidence on the same facts does not systematically do so;

50. Indeed, the jurisprudence concerning review proceedings is to the effect that any new information concerning the credibility of witnesses may amount to a new fact;[25]

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[24] *See* Rule 71(A) (ii) of the *MICT Rules*, and 66 (A) (ii) of the *ICTR Rules*.

[25] *Niyitegeka c. Le Procureur*, Affaire No. ICTR-96-14-R, Décision relative à la requête en révision et demande de commission d'office d'un conseil, présentée par Eliézer Niyitegeka, 13 juillet 2015, par. 12, *Ntabakuze c. Le Procureur*, Affaire No. MICT-14-77-R, Décision relative à la requête d'Aloys Ntabakuze déposée en son nom aux fins de désignation d'un enquêteur et d'un conseil en prévision de sa demande en révision, 19 janvier 2015, note 43 ; *Kajelijeli c. Le Procureur*, Affaire No. ICTR-98-44A-R, Décision relative à la demande en révision de Kajelijeli intitulée « *Juvénal Kajelijeli's Application for Review* », 29 mai 2013, par. 24; *Muvunyi c. Le* Procureur, Affaire No. ICTR-00-55A-R, *Decision on Request for Variation of Protective Measures and Request for Review*, 28 septembre 2012, par. 22; *Kamuhanda c. Le Procureur*, Affaire No. ICTR-99-54A-R, *Decision on Request for Review,* 25 août 2011, par. 26; *Rutaganda c. Le Procureur*, Affaire No. ICTR-96-03-R, Décision relative aux demandes en

51. Therefore, it is submitted that the subsequent statement of a witness material to the conviction of an accused is certainly a potential new fact that may warrant a request for review, and in itself justifies the disclosure of that further statement;

52. The determination as to whether that subsequent statement constitute a new fact and is sufficient to warrant review lies with the Chamber eventually seized of a request to that effect, not with the Prosecutor, whose role is to identify and disclose such subsequent statement;

53. Niyitegeka therefore submits that the single judge erred in delimitating the Prosecution's obligation to disclose the requested material and that his refusal to issue the orders requested regarding the Prosecution witnesses is so unfair and unreasonable as to constitute an abuse of discretion, since it would leave Niyitegeka, as well as other convicted person, unduly bereft of all relevant material necessary in order to establish "new facts" for the purposes of a request for review;

**FOR THE REASONS SET OUT HEREIN ELIÉZER NIYITEGEKA, BY AND THROUGH HIS DEFENCE COUNSEL, PRAY THE MECHANISM TO:**

**RECOGNIZE** the present appeal as validly filed;

**GRANT** the present appeal;

**GRANT** *Niyitegeka's Urgent Request for Orders Relating to Prosecution Witnesses* of 29 January 2016.

Word count : 4248

**RESPECTFULLY SUBMITTED**

***Philippe Larochelle***
***Counsel for Eliézer Niyitegeka***

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réexamen, en révision, en commission d'office d'un conseil, en communication de pièces et en clarification, 8 décembre 2006, par. 17.

# TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/ *FICHE DE TRANSMISSION POUR LE DÉPÔT DE DOCUMENTS DEVANT LE MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX*

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| **Date Created/ *Daté du* :** | **17 May 2017** | **Date transmitted/ *Transmis le* :** | **17 May 2017** | **No. of Pages/ *Nombre de pages* :** **14** |
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