



Mechanism for International Criminal Tribunals

Case No.: MICT-12-16-R

Date: 21 June 2017

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. Olufemi Elias

Order of: 21 June 2017

ELIÉZER NIYITEGEKA

v.

THE PROSECUTOR

PUBLIC

**ORDER ASSIGNING JUDGES TO A CASE
BEFORE THE APPEALS CHAMBER**

Counsel for Mr. Eliézer Niyitegeka

Mr. Philippe Larochelle
Mr. Sébastien Chartrand

The Office of the Prosecutor

Mr. Serge Brammertz
Mr. Richard Karegyesa
Ms. Sunkarie Ballah-Conteh

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21/06/2017 12:50

A handwritten signature in black ink, appearing to be a stylized 'M' or similar character, written over the date and time stamp.

I, THEODOR MERON, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

NOTING the “Judgement and Sentence” issued by Trial Chamber I of the International Criminal Tribunal for Rwanda (“ICTR”) on 16 May 2003 in the case of *The Prosecutor v. Eliézer Niyitegeka*, Case No. ICTR-96-14-T (“Trial Judgement”);

NOTING the “Judgement” issued by the Appeals Chamber of the ICTR on 9 July 2004 in the case of *Eliézer Niyitegeka v. The Prosecutor*, Case No. ICTR-96-14-A (“Appeal Judgement”), which affirmed the Trial Judgement;¹

NOTING the “*Requête en révision*” filed confidentially with confidential annexes by Eliézer Niyitegeka (“Niyitegeka”) on 7 June 2017 (“Request”), by which Niyitegeka requests, *inter alia*, review of the Trial Judgement and the Appeal Judgement;²

RECALLING Article 12(4) of the Statute of the Mechanism, which provides, *inter alia*, that where there is an application for review of a judgement rendered by an Appeals Chamber, the Appeals Chamber on review shall be composed of five judges appointed for this purpose by the President of the Mechanism;³

RECALLING, moreover, that Rule 146 of the Mechanism’s Rules of Procedure and Evidence (“Rules”) envisages that where a request for review is filed, the President of the Mechanism shall compose a bench with the same number of Judges as the original bench to decide the motion and, to the extent possible, appoint the Judges who constituted the original Chamber;⁴

PURSUANT TO Rules 23(A) and 146(B) of the Rules,

HEREBY ORDER that the Bench in *Eliézer Niyitegeka v. The Prosecutor*, Case No. MICT-12-16-R, shall be composed as follows:

¹ Appeal Judgement, para. 270.

² See Request, pp. 36-37.

³ I recall that the proper forum for the filing of a request for review is the judicial body which rendered the final judgement and that only a final judgement shall be subject to review. See, e.g., *Prosecutor v. Milan Lukić*, Case No. MICT-13-52-R.1, Order Assigning Judges to a Case before the Appeals Chamber, 24 February 2014 (“*Lukić Order*”), pp. 1-2. In this case, although Niyitegeka requests review of both the Trial Judgement and the Appeal Judgement, the latter constitutes the final judgement, and it is therefore appropriate to assign the Request to the Appeals Chamber of the Mechanism. Cf. *Lukić Order*, pp. 1-2.

⁴ See Rule 146(A)-(B) of the Rules.

Judge Theodor Meron, Presiding

Judge Aminatta Lois Runeni N'gum

Judge Gberdao Gustave Kam

Judge Ben Emmerson

Judge Ivo Nelson de Caires Batista Rosa

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

Done this 21st day of June 2017,
At The Hague,
The Netherlands.


Judge Theodor Meron
President

[Seal of the Mechanism]





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Case Name/ Affaire :	Eliézer Niyitegeka v. The Prosecutor		Case Number/ Affaire n° : MICT-12-16-R
Date Created/ Daté du :	21 June 2017	Date transmitted/ Transmis le :	21 June 2017
		No. of Pages/ Nombre de pages :	3
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