



Mechanism for International Criminal Tribunals

Case No: MICT-12-29-R

Date: 22 September 2017

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Joseph E. Chiondo Masanche
Judge Aydin Sefa Akay
Judge Aminatta Lois Runeni N'gum
Judge Gberdao Gustave Kam

Registrar: Mr. Olufemi Elias

THE PROSECUTOR

v.

AUGUSTIN NGIRABATWARE

PUBLIC

**PROSECUTION RESPONSE TO REQUEST FOR STATUS
CONFERENCE**

The Office of the Prosecutor:

Mr. Mathias Marcussen
Mr. Richard Karegyesa
Ms. Thembile Segoete

Augustin Ngirabatware:

Mr. Peter Robinson

Received by the Registry
Mechanism for International Criminal Tribunals
22/09/2017 13:59

Thwaipopo

Ngirabatware has provided neither a legal nor a factual basis for his Request¹ for a status conference. Neither the Rules Ngirabatware refers to² nor the jurisprudence provide for status conferences during review proceedings. As Ngirabatware is currently serving his sentence confirmed on appeal, concerns relating to his conditions of confinement should be raised with the Commanding Officer of the detention unit and if necessary, the Registry.³ Moreover, Ngirabatware fails to identify any specific issue regarding his health condition or the conduct of the review proceedings⁴ which warrant that a Status Conference be held.⁵

Word Count: 191



Mathias Marcussen
Senior Legal Officer
Officer-in-Charge

Dated this 22nd day of September 2017
The Hague, The Netherlands

¹ Request for Status Conference, 18 September 2017 ("Request").

² Request, paras.2-3.

³ ICTR Rules Covering the Detention of Persons Awaiting Trial or Appeal Before the Tribunal or Otherwise Detained on the Authority of the Tribunal, 5 June 1998, Rules 82-83.

⁴ See Request, para.5.

⁵ See *Prosecutor v. Karadžić*, Case No. MICT-13-55, Decision on Request for Status Conference, 1 April 2016, pp.1-2 (finding that Karadžić failed to "identify any specific issue" relating to "his mental or physical condition" and inviting Karadžić to inform the President "whether he wishes to be heard on any pressing matter related to his mental or physical condition.").



**TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS/
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MÉCANISME POUR LES TRIBUNAUX PÉNAUX INTERNATIONAUX**

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From/ De :	<input type="checkbox"/> Chambers/ Chambre	<input type="checkbox"/> Defence/ Défense	<input checked="" type="checkbox"/> Prosecution/ Bureau du Procureur	<input type="checkbox"/> Other/ Autre :
Case Name/ Affaire :	NGIRABATWARE		Case Number/ Affaire n° :	MICT-12-29-R
Date Created/ Daté du :	22 September 2017	Date transmitted/ Transmis le :	22 September 2017	No. of Pages/ Nombre de pages : 2
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda	<input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	PROSECUTION RESPONSE TO REQUEST FOR STATUS CONFERENCE			
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue		
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu		
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