



Mechanism for International Criminal Tribunals

Case No: MICT-12-17-R108.1-A

Date: 6 December 2017

Original: English

IN THE APPEALS CHAMBER

Before: A Bench of the Appeals Chamber

Registrar: Mr. Olufemi Elias

Prosecutor

v.

Gérard Ntakirutimana

PROSECUTION'S NOTICE OF APPEAL

Office of the Prosecutor
Serge Brammertz

Counsel for Gérard Ntakirutimana
Vincent Courcelle-Labrousse

Received by the Registry
Mechanism for International Criminal Tribunals
06/12/2017 20:53

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The Prosecutor hereby files a Notice of Appeal, pursuant to Article 23 of the MICT Statute and Rule 108(I) of the Rules of Procedure and Evidence, against the "Decision on Allegations of False Testimony" rendered by the Single Judge on 20 November 2017, in the case of *Prosecutor v. Gérard Ntakirutimana* (Impugned Decision).

Ground of Appeal

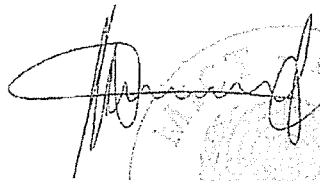
1. The Single Judge abused her discretion in terminating the proceedings against Witness HH. In deciding not to issue an order in lieu of indictment and direct an *amicus curiae* to prosecute Witness HH for having interfered with the administration of justice, the Single Judge gave weight to extraneous and irrelevant factors and/or failed to give weight to relevant considerations.¹ The Single Judge's decision declining to initiate false testimony proceedings is so unreasonable that it constitutes an abuse of discretion.

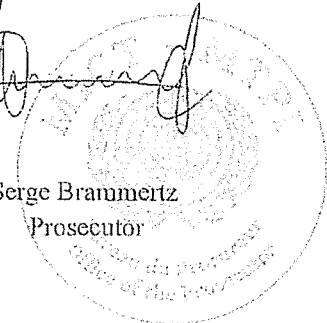
2. The Prosecutor reserves the right to file additional grounds of appeal should he deem necessary, upon receiving the *amicus curiae*'s Final Report and its annexes

Relief sought

3. The Appeals Chamber should grant the appeal, set aside the Impugned Decision, and order the Single Judge to issue an order in lieu of indictment and direct an *amicus* prosecutor to prosecute Witness HH pursuant to Rule 108(C)(ii).

Dated this 6th day of December 2017
At Arusha, Tanzania


Serge Brammertz
Prosecutor



¹ Impugned Decision, paras. 16-20, 24.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH THE
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Case Name/ Affaire :	Prosecutor v. Gérard Ntakirutimana		Case Number/ Affaire n° :	MICT-12-17-R108.1	
Date Created/ Daté du :	06 December 2017	Date transmitted/ Transmis le :	6 December 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) :
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Rev: April 2014/Rév. : Avril 2014