



International Residual Mechanism
for Criminal Tribunals

Case No. MICT-12-29-R

Date: 27 July 2018

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Joseph E. Chiondo Masanche
Judge Lee G. Muthoga
Judge Aminatta Lois Runeni N'gum
Judge Gberdao Gustave Kam

Registrar: Mr. Olufemi Elias

Order of: 27 July 2018

PROSECUTOR

v.

AUGUSTIN NGIRABATWARE

PUBLIC

FURTHER ORDER SCHEDULING REVIEW HEARING

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Veronic Wright

Counsel for Augustin Ngirabatware:

Ms. Diana Ellis
Mr. Sam Blom-Cooper

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THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

RECALLING that, on 18 December 2014, the Appeals Chamber: (i) affirmed Augustin Ngirabatware’s convictions for committing direct and public incitement to commit genocide and instigating and aiding and abetting genocide; (ii) reversed Ngirabatware’s conviction for rape as a crime against humanity; and (iii) imposed a sentence of 30 years of imprisonment;²

RECALLING that, on 19 June 2017, the Appeals Chamber granted Ngirabatware’s request for review of his convictions, finding that in view of new information of an evidentiary nature, which constitutes a new fact for the purpose of Rule 146 of the Rules of Procedure and Evidence (“Rules”), a review of the Appeal Judgement is warranted;³

RECALLING further that the Appeals Chamber determined that a hearing should be held, pursuant to Rule 147 of the Rules, to allow the parties to provide supporting and rebuttal evidence concerning the new fact (“Review Hearing”);⁴

RECALLING that, on 22 November 2017, the Appeals Chamber scheduled the Review Hearing from 8 February until 16 February 2018;⁵

RECALLING that, on 19 December 2017, following the withdrawal of Ngirabatware’s counsel, the Appeals Chamber adjourned the Review Hearing until further order, in order to provide new counsel adequate time to prepare;⁶

NOTING that Counsel, who were assigned on 19 January 2018 to represent Ngirabatware in the review proceedings,⁷ indicated that they will require until 24 September 2018 to prepare for the Review Hearing;⁸

PURSUANT to Article 24 of the Statute and Rules 55 and 147 of the Rules;

¹ See Order Replacing a Judge in a Case Before the Appeals Chamber, 23 July 2018, p. 1.

² *Augustin Ngirabatware v. The Prosecutor*, Case No. MICT-12-29-A, Judgement, 18 December 2014 (“Appeal Judgement”), para. 279. See also *The Prosecutor v. Augustin Ngirabatware*, Case No. ICTR-99-54-T, Judgement and Sentence, pronounced on 20 December 2012 and issued in writing on 21 February 2013, para. 1394.

³ Decision on Ngirabatware’s Motion for Review, 19 June 2017 (public and redacted) (“Review Decision”), pp. 2, 3.

⁴ Review Decision, p. 3.

⁵ Scheduling Order for Review Hearing, p. 1.

⁶ Decision on Defence Counsel’s Motion to Withdraw, 19 December 2017, p. 2.

⁷ Decision, 19 January 2018, p. 3 (whereby the Registrar assigned Ms. Diana Ellis and Mr. Sam Blom-Cooper, as Counsel and Co-Counsel, respectively).

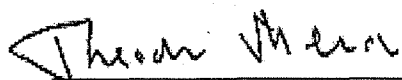
⁸ Defence Submissions Re: Scheduling of the Review Hearing, 25 February 2018, para. 11. See Order for Submissions, 29 January 2018. See also Prosecution Response to Defence Submissions Re: Scheduling of the Review Hearing, 2 March 2018.

HEREBY ORDERS that the Review Hearing shall be held from Monday, 24 September 2018, until Friday, 28 September 2018, at the Mechanism's branch in Arusha, Tanzania; and

INFORMS the parties that the modalities of the Review Hearing, including a detailed timetable and witness schedule, will be determined in due course.

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

Done this 27th day of July 2018,
At The Hague,
The Netherlands



Judge Theodor Meron, Presiding

[Seal of the Mechanism]





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