



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

35/H

IN THE APPEALS CHAMBER

ICTR-97-31-A
14th October 2009
{35/H – 33/H}

Before: Judge Carmel Agius, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 14 October 2009

ICTR Appeals Chamber
Date: 14th October 09
Action: R. Juma
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THE PROSECUTOR

v.

Tharcisse RENZAHO

Case No. ICTR-97-31-A

ORDER ON THARCISSE RENZAHO'S NOTICE OF APPEAL

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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SIGNATURE: [Signature] DATE: 14 Oct. 2009

Counsel for Mr. Tharcisse Renzaho:

Mr. François Cantier, Lead Counsel

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora

1. I, CARMEL AGIUS, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 ("Tribunal"), and Pre-Appeal Judge in this case, having noted Tharcisse Renzaho's Notice of Appeal, filed on 2 October 2009,¹ acting *proprio motu*, order as follows.

2. Trial Chamber I pronounced its judgement against Mr. Renzaho on 14 July 2009 and issued its reasoned opinion in writing in English on 14 August 2009.² It found him guilty of genocide (Count 1), murder (Count 3) and rape (Count 4) as crimes against humanity, and murder (Count 5) and rape (Count 6) as serious violations of Article 3 common to the Geneva Conventions and Additional Protocol II, and acquitted him of complicity in genocide (Count 2).³ It sentenced Mr. Renzaho to life imprisonment.⁴

3. The Notice of Appeal sets forth 13 grounds of appeal. The final ground of appeal, which relates to sentencing, states only that in the alternative, should the Appeals Chamber should uphold Mr. Renzaho's responsibility, the Trial Chamber erred in imposing a life sentence.

4. This ground of appeal does not indicate the substance of the alleged error and the relief sought, thereby failing to fully comply with Rule 108 of the Rules of Procedure and Evidence of the Tribunal ("Rules")⁵ and the Practice Direction on Formal Requirements for Appeals from Judgement of 4 July 2005 ("Practice Direction").⁶

¹ *Acte d'Appel*, 2 October 2009 ("Notice of Appeal").

² *The Prosecutor v. Tharcisse Renzaho*, Case No. ICTR-97-31-T, Judgement and Sentence, dated 14 July 2009 and filed on 14 August 2009 ("Trial Judgement").

³ Trial Judgement, para. 812.

⁴ Trial Judgement, para. 826.

⁵ Rule 108 of the Rules requires a notice of appeal to identify "the order, decision or ruling challenged with specific reference to the date of its filing, and/or the transcript page, and indicate the substance of the alleged errors and the relief sought".

⁶ Pursuant to paragraph 1(C)(i) to (v) of the Practice Direction, a notice of appeal shall clearly specify in respect of each ground of appeal "any alleged error on a question of law invalidating the decision and/or any alleged error of fact which has occasioned a miscarriage of justice" and shall identify "the finding or ruling challenged in the judgement, with specific reference to the page number and paragraph number"; any other "order, decision or ruling challenged with specific reference to the date of its filing, and/or the transcript page"; and the precise relief sought.


5. For these reasons, and in accordance with Rule 108bis (B) of the Rules and Paragraph 13 of the Practice Direction, I hereby **ORDER** Mr. Renzaho to clarify the substance of his 13th Ground of Appeal, should he wish to maintain it, no later than 23 October 2009.

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

Done this 14th day of October 2009,
at The Hague,
The Netherlands.



[Seal of the Tribunal]



Judge Carmel Agius
Pre-Appeal Judge