

UNITED
NATIONS

MICT-13-43
17-12-2018
(295 - 280)

295
JN



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-13-43
Date: 17 December 2018
Original: English

THE APPEALS CHAMBER

Before: A bench of the Appeals Chamber

Registrar: Olufemi Elias

THE PROSECUTOR

v.

FRANCOIS-XAVIER NZUWONEMEYE

Public

APPEAL FROM DECISION ON MOTION FOR ORDER
TO THE GOVERNMENT OF FRANCE

The Office of the Prosecutor:
Serge Brammertz

Government of France

Counsel for Francois-Xavier Nzuwonemeye:
Peter Robinson

Government of Tanzania

No. MICT-13-43

Received by the Registry
International Residual Mechanism for Criminal Tribunals
17/12/2018 15:24

Thwainepo

1. Major Francois-Xavier Nzuwonemeye hereby appeals from the *Decision on Motion for Order pursuant to Article 28 and Other Considerations* (22 October 2018)(the “Impugned Decision”).

Procedural History

2. French police arrested Nzuwonemeye on 15 February 2000 at the ICTR’s request.¹ Nzuwonemeye had lived in France since 1997 with his wife and four children. He had a pending application for asylum there. The French government transferred Nzuwonemeye to the United Nations Detention Facility in Arusha, Tanzania.²

3. On 17 May 2011, an ICTR Trial Chamber found Nzuwonemeye guilty of war crimes and crimes against humanity and sentenced him to 20 years imprisonment.³

4. On 11 February 2014, the Appeals Chamber reversed Nzuwonemeye’s convictions and acquitted him.⁴ Nzuwonemeye was released from custody after having served 14 years in prison accused, and wrongly convicted, of crimes for which he did not commit.

5. On 3 July 2014, the Registrar sent a *note verbale* to the government of France requesting that it take Nzuwonemeye back. France declined to do so. Nzuwonemeye also tried without success in French immigration proceedings to convince France to take him back. Since his release from detention, Nzuwonemeye has been marooned in Arusha. His wife and four children have now become French citizens. He remains unable to rejoin his family or secure employment.⁵

6. On 20 July 2018, Nzuwonemeye requested the assignment of counsel to pursue a motion to compel France to take him back.⁶ The President assigned the motion to Judge Mparany Mamy Richard Rajohnson.⁷ Judge Rajohnson never decided the motion.

7. On 23 August 2018, Nzuwonemeye filed his *Motion for Order to Government of France*. This motion was also assigned to Judge Rajohnson.⁸

¹ *Prosecutor v Ndindiliyimana et al*, No. ICTR-00-56-T, *Judgement and Sentence* (17 May 2011), para. 95

² *Motion for Order to Government of France* (23 August 2018), para. 2

³ *Prosecutor v Ndindiliyimana et al*, No. ICTR-00-56-T, *Judgement and Sentence* (17 May 2011)

⁴ *Prosecutor v Ndindiliyimana et al*, No. ICTR-00-56-A, *Judgement* (11 February 2014)

⁵ *Motion for Order to Government of France* (23 August 2018), para. 2

⁶ *Request for Assignment of Counsel* (20 July 2018)

⁷ *Order Assigning a Single Judge to Consider a Motion* (1 August 2018)

⁸ *Order Assigning a Single Judge to Consider a Motion* (29 August 2018)

8. On 10 September 2018, the Association of Defence Counsel filed a motion for leave to appear as *amicus curiae*.⁹ This motion was also assigned to Judge Rajohnson.¹⁰

9. On 9 October 2018, following the death of Judge Rajohnson, the motions were reassigned to Judge Gberdao Gustave Kam.¹¹

10. On 22 October 2018, Judge Kam issued the Impugned Decision denying the motion for order to France, assignment of counsel, and leave to appear as *amicus curiae*.

11. On 23 October 2018, Nzuwonemeye requested assignment of counsel on appeal and an extension of time.¹² On 13 December 2018, the Appeals Chamber ordered the assignment of counsel and gave him until 20 December 2018 to file this appeal.¹³

The Impugned Decision

12. The Single Judge found that Article 28 did not authorise an order to a State on behalf of a person who had been acquitted at the ICTR. He reasoned that Article 28 “makes clear reference to the process of ‘prosecution’ and that “an order requiring a State to take him back on its territory” is not part of the process of “investigation and prosecution.”¹⁴

13. The Single Judge held that since, in the *Ntagerura* case, the ICTR Appeals Chamber had found no jurisdiction under Article 28 to make an order to a State with respect to an acquitted person, the Mechanism’s authority could not extend beyond that of the ICTR. He reasoned that as a residual institution, “a narrow interpretation of the functions of the Mechanism is all the more justified when it comes to intervening in domestic jurisdictions.”¹⁵

14. The Single Judge also held that “Nzuwonemeye's request for assignment of counsel at the Mechanism's expense, using the model of review proceedings, cannot be considered favourably since Nzuwonemeye has not demonstrated in what way the ground he has invoked has a likelihood of succeeding.”¹⁶

⁹ *Association of Defence Counsel Practicing before the International Courts and Tribunals (ADC-ICT) Motion for Leave to Appear as Amicus Curiae* (10 September 2018)

¹⁰ *Order Assigning a Single Judge to Consider a Motion* (12 September 2018)

¹¹ *Order Replacing a Single Judge on a Matter* (9 October 2018); *Order Replacing a Single Judge on a Matter* (10 October 2018)

¹² *Motion for Assignment of Counsel and Extension of Time* (23 October 2018)

¹³ *Decision on a Motion for Assignment of Counsel and for an Extension of Time* (13 December 2018)

¹⁴ Impugned Decision, para. 9

¹⁵ *Id.*, para. 11

¹⁶ *Id.*, para. 13

Right to Appeal

15. Although a State has the right to review of a decision taken against it pursuant to Article 28,¹⁷ the Mechanism Statute and Rules do not explicitly authorise an accused to appeal. Nzuwonemeye contends that the Appeals Chamber should nevertheless allow him to appeal the Impugned Decision pursuant to its inherent jurisdiction over the enforcement of its orders and any decisions rendered as a consequence thereof.¹⁸

16. In the *Ntagerura* case, the ICTR Appeals Chamber allowed an acquitted person to appeal a similar decision.¹⁹ The Mechanism's Appeals Chamber has recently noted that an appeal of right was justified in that case because "the applicant in that proceeding had no recourse to challenge the relevant decisions after his acquittal."²⁰ Such is also the case here.

17. The Mechanism has also allowed an acquitted person to appeal a decision that a State prosecution violated the principle of *ne bis in idem*.²¹ Convicted persons have been allowed to appeal issues related to witness protection issues.²² The Appeals Chamber has also exercised its jurisdiction when matters are of general significance to the Mechanism's jurisprudence.²³

18. For any and all of these reasons, the Appeals Chamber should allow Nzuwonemeye to appeal the Impugned Decision.

Standard of Review

19. The standard of review is whether the Single Judge's decision was based on

¹⁷ Rule 134

¹⁸ *Prosecutor v Ntagerura*, No. ICTR-99-46-A28, *Decision on Motion for Leave to Appeal the President's Decision of 31 March 2008 and the Decision of Trial Chamber III of 15 May 2008* (11 September 2008), para. 12

¹⁹ *Id.*, para. 13

²⁰ *Prosecutor v Stanisic & Simatovic*, No. MICT-15-96-AR.MISC, *Decision on a Prosecution Motion for Enforcement of Order for Retrial* (14 December 2018), fn. 22

²¹ *Prosecutor v Oric*, No. MICT-14-79, *Decision on an Application for Leave to Appeal the Single Judge's Decision of 10 December 2015* (17 February 2016), para. 6

²² *Prosecutor v Kamuhanda*, No. MICT-13-33, *Decision on Appeal of Decision Declining to Rescind Protective Measures for a Deceased Witness* (14 November 2016), para. 6; *Prosecutor v Tolimir*, No. MICT-12-85, *Decision on Request for Access to Confidential Material in the Prosecutor v Zdravko Tolimir case Presented by Vujadin Popovic* (17 May 2017), para. 12; *Prosecutor v Kamuhanda*, No. MICT-13-33, *Decision on Appeal of Decision Declining to Rescind Protective Measures for a Deceased Witness* (14 November 2016), para. 6

²³ *Prosecutor v Karadzic*, No. MICT-13-55-A, *Decision on Prosecution Motion to Strike Karadzic's Second Motion to Disqualify Judge Theodor Meron, Motion to Disqualify Judge William Sekule, and for Related Orders* (1 November 2018), para. 10

an incorrect interpretation of governing law, a patently incorrect conclusion of fact, or was so unfair or unreasonable as to constitute an abuse of discretion.²⁴

Grounds of Appeal

20. Nzuwonemeye advances the following grounds of appeal:

- (A) The Single Judge made an incorrect interpretation of governing law when holding that Article 28 of the Mechanism Statute does not include the power to order a State to take back an acquitted person who was arrested on its territory.
- (B) The Single Judge made an incorrect interpretation of governing law when denying the assignment of counsel.

Argument

(A) The Article 28 issue

21. ICTR Article 28(1) provided:

States shall cooperate with the International Tribunal for Rwanda in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law

22. Mechanism Article 28(1) provides:

States shall cooperate with the Mechanism in the investigation and prosecution of persons covered by Article 1 of this Statute.

23. In the *Ntagerura* case, the ICTR Appeals Chamber held that since the wording of Article 28 was limited to the "investigation and prosecution of persons *accused* of committing serious violations of international humanitarian law", it did not permit the court to make an order to a State with respect to persons who had been acquitted, as they were no longer "*accused*".²⁵

24. The Single Judge did not rely on this reasoning in the Impugned Decision. That is because, unlike in the ICTR Statute, the word "accused" appears nowhere in Article 28 of the Mechanism Statute.

²⁴ *Prosecutor v Oric*, No. MICT-14-79, *Decision on an Application for Leave to Appeal the Single Judge's Decision of 10 December 2015* (17 February 2016), para. 9

²⁵ *In Re Andre Ntagerura*, No. ICTR-97-46-A28, *Decision on Motion to Appeal the President's Decision of 31 March 2008 and the Decision of Trial Chamber III of 15 May 2008* (18 November 2008), para. 15 (emphasis in original)

25. Instead, the Single Judge relied on another phrase that appears in both versions of Article 28—“the investigation and prosecution”—and held that the relocation of acquitted persons is not part of the investigation and prosecution.²⁶ In doing so, the Single Judge ignored the decision of ICTR President Dennis Byron in the *Ntagerura* case. Judge Byron held that:

The question of whether an application for relocation of an acquitted person is part of the investigation and prosecution process would require being answerable in the affirmative.²⁷

26. Returning a person who has been acquitted to the State that transferred him to the Tribunal is as much a part of the prosecution of a case as sending him to a State to serve his sentence. The Mechanism has the power to order a State to return a convicted prisoner who is serving a sentence in that State.²⁸ It must therefore have the power to order a State to return an acquitted person who that State has transferred to the Tribunal. The Mechanism would do a disservice to international criminal justice if it interpreted its Statute to make no provision for those who have been acquitted, while ensuring that those who have been convicted can be sent back and forth to a State to serve their sentence.

27. Considering the issue on a temporal basis, previous Mechanism and ICTY decisions make it clear that the power under Article 28 extends beyond the issuance of a final judgement. In the *Ngirabatware* case, Judge Meron issued an order pursuant to Article 28 to the government of Turkey where the convicted person was seeking review of a final judgement.²⁹ In the *Hartmann* case, the Appeals Chamber issued an order to the government of France where the Tribunal was trying to collect a fine that had been imposed as part of a final judgement.³⁰ The Single Judge’s conclusion that a “prosecution” only includes events up to the issuance of a final judgement is contrary to these binding precedents.

²⁶ *Impugned Decision*, para. 9

²⁷ *Prosecutor v Ntagerura*, No. ICTR-99-46-A28, *Decision on Motion of Andre Ntagerura for Cooperation with Canada and for Reporting to the Security Council* (31 March 2008), para. 7

²⁸ Article 25; *Prosecutor v Lukic*, No. MICT-13-52-ES.1, *Public Redacted Version of the 22 May 2015 Decision of the President on Motion for Reconsideration and Review of Sentence of Milan Lukic* (28 January 2016), para. 19

²⁹ *Prosecutor v Ngirabatware*, No. MICT-12-29-R, *Order to the Government of Turkey for the Release of Judge Aydin Sefa Akay* (31 January 2017), para. 16

³⁰ *Prosecution v Hartmann*, No. IT-02-54-R77.5-A, *Second Order on Payment of Fine pursuant to Rule 77 bis and Warrant of Arrest* (16 November 2011)

28. Considering the issue on a subject matter basis, the Single Judge erred in considering the issue to involve the “relocation of acquitted persons”³¹ instead of the return of a person who had been transferred from a State.

29. Article 28(2)(e) specifically requires a State to comply with an order in relation to “the surrender or the transfer of the accused to the Mechanism”. Ordering the return of a person to the State that arrested and transferred him to the ICTR is thus more closely related to the prosecution of the case, and the duties of a State under Article 28, than ordering a third State to cooperate in the “relocation of an acquitted person”.

30. The defendant’s transfer following a final judgement, whether sent to serve a sentence in a State, or sent back to the State that transferred him, is part of the “prosecution”. Sending an acquitted person to a State other than the one that transferred him, involving the Mechanism’s general responsibility to care for the acquitted persons, involves a more tenuous connection. In that way, Nzuwonemeye’s motion is much more related to the “prosecution” of a case than that of Ntagerura who was arrested in Cameroon and sought an order for relocation to Canada.

31. The Registrar recognized this in his submissions in the *Ntagerura* case when he said that “the Tribunal is obliged to do no more than to restore the Appellant to the situation in which he was before his arrest, which could be accomplished by relocating him to Cameroon.”³²

32. In the *Ntagerura* decision, the Appeals Chamber decided that “the diplomatic initiatives of the Registrar in relation to relocation do not fall within the ambit of the obligation of States to cooperate with the Tribunal under Article 28 of the Statute.”³³ The Single Judge erred in failing to recognize that the fact that *Ntagerura* sought relocation, rather than return, was crucial.

33. The Single Judge’s narrow definition of the “prosecution” of a case also defies reason. It would make it impossible to require a State to return materials loaned to it,³⁴ or to require a State to enforce an order for an acquitted person to reimburse the ICTR for

³¹ Impugned Decision, para. 10

³² *In Re Andre Ntagerura*, No. ICTR-97-46-A28, *Decision on Motion to Appeal the President's Decision of 31 March 2008 and the Decision of Trial Chamber III of 15 May 2008* (18 November 2008), para. 11

³³ *Id.*, para. 15

³⁴ See *Prosecutor v Kvočka et al*, No. MICT-14-81, *Decision on an Application from the Prosecutor's Office of Bosnia and Herzegovina* (3 October 2018)

the cost of his legal aid.³⁵

34. The Single Judge erred when considering a single text that provided a definition of "prosecution" as "referring to the power of the Prosecutor to bring before a criminal court a person suspected of having committed a crime."³⁶ Black's Law Dictionary defines "prosecution" as "a proceeding instituted and **carried on** by due course of law, before a competent tribunal, for the purpose of determining the guilt or innocence of a person charged with crime."³⁷ The Oxford Dictionary defines "prosecution" as "the institution and **conducting** of legal proceedings against someone in respect of a criminal charge".³⁸ The Single Judge cited no single judicial decision anywhere in the world holding that the return of an acquitted person is not part of the "prosecution" of a case.

35. The Single Judge also erred in concluding that "a narrow interpretation of the functions of the Mechanism is all the more justified when it comes to intervening in domestic jurisdictions" because the Mechanism is a "residual institution".³⁹ The Single Judge failed to recognize that in enacting the Mechanism's Statute, the Security Council strengthened the Mechanism's power *vis a vis* States in areas that would allow it to more effectively wind up the Tribunals' work.

36. For example, Article 1(3) provides that the Mechanism must refer cases of persons who are not "senior leaders" to States and can only prosecute when it has "exhausted all reasonable efforts to refer the case." Article 1(4) provides that before trying persons for contempt, the Mechanism "shall consider referring the case to the authorities of a State." The Security Council added Article 6, which requires the Mechanism to "undertake every effort" to refer cases to the authorities of a State and gives the Mechanism the power to revoke the referral and order the State to return the defendant.

37. The Security Council also enhanced the Mechanism's powers in Article 27 by conferring upon it the power to manage the ICTR and ICTY's archives and in making

³⁵ See i.e. *Prosecutor v Bemba*, No. ICC-01/05-01/08-3651-Red, *Order in Relation to Advanced Legal Assistance Fees* (17 July 2018); *Prosecutor v Prlic et al*, No. IT-04-74-A, *Order concerning Non-Receipt of Funds* (26 October 2016)

³⁶ Impugned Decision, fn. 19

³⁷ <https://thelawdictionary.org/prosecution/> (emphasis added)

³⁸ <https://en.oxforddictionaries.com/definition/prosecution> (emphasis added)

³⁹ Impugned Decision, para. 11

those archives inviolable by a State. It also expanded the provisions on privileges and immunities in Article 29 by providing for immunity for defence counsel when working in a State.

38. The Appeals Chamber recently held that the Mechanism statute contains provisions requiring a State to comply with an order for the surrender or the transfer to the Mechanism of persons accused of contempt, whereas the ICTY Statute did not.⁴⁰

39. Therefore, the Single Judge erred in holding that “[t]here is nothing in the present case to indicate that the functions of the Mechanism, which are by their nature residual could extend beyond those of the ICTY and ICTR, of which it is only the corollary.”⁴¹

40. The Single Judge’s decision frustrates the Mechanism’s ability to wind up the ICTR’s work by returning the acquitted persons to the States that transferred them.⁴²

41. The Single Judge’s decision allows politics to triumph over law. The fate of an individual who is transferred to the Tribunal and is acquitted is not a political matter; it is a judicial one. The Single Judge erred in abrogating the Mechanism’s judicial responsibility towards a person who it has tried in a judicial institution and imprisoned in its detention facility and leaving his fate to diplomats and politicians. Had Judge Meron taken the same approach in *Ngirabatware*, Judge Akay would still be in a Turkish prison.⁴³

42. For all of these reasons, the Single Judge erred in holding that the Mechanism did not have the power to grant the *Motion for Order to the Government of France*.

43. Should the Appeals Chamber agree, rather than remand the case to the Single Judge, it should invite the governments of France and Tanzania to make submissions on whether this power should be exercised in Nzuwonemeye’s case and hold an oral hearing

⁴⁰ *Prosecutor v Jović & Radeta*, No. MICT-17-111-R90, *Decision on Amicus Curiae’s Appeal against the Order Referring a Case to the Republic of Serbia* (12 December 2018), para. 21

⁴¹ *Impugned Decision*, para. 11

⁴² S/20 I 4/343, para. 39: ICTR President Joensen: “The fact that article 28 of the statute of the Tribunal does not obligate Member States to cooperate in matters of relocation has not assisted the Tribunal.”

⁴³ *cf. Prosecutor v Ngirabatware*, No. MICT-12-29-R, *Order to the Government of Turkey for the Release of Judge Aydın Sefa Akay* (31 January 2017); *Prosecutor v Ngirabatware*, No. MICT-12-29-R *Decision on Republic of Turkey’s Non-Compliance with its Obligation to Cooperate with the Mechanism*. (6 March 2017)

to give those States and Nzuwonemeye a full opportunity to be heard.

44. Remand to the Single Judge will only further delay these proceeding. His decision will assuredly be appealed or reviewed at the request of one side or the other. Given that it has already been almost 5 years since Nzuwonemeye's acquittal, these proceedings should be completed expeditiously.

45. Nzuwonemeye contends that Article 28's requirements for an order to France have been met. France has refused to voluntarily take Nzuwonemeye back.⁴⁴ The order is necessary to enforce Nzuwonemeye's human right to family life⁴⁵ and to give effect to the Host Agreement between the Mechanism and Tanzania.⁴⁶ It imposes no more of a burden than France has already agreed to share, and from which France benefits, under the European Union's Dublin Regulation.⁴⁷ It is consonant with the seven United Nations Security Council resolutions that called upon all States to cooperate with and render all necessary assistance to the Mechanism to relocate the acquitted persons.⁴⁸ And it is simply time to allow Nzuwonemeye to go home.

46. After such a hearing, the Appeals Chamber should order France to take Nzuwonemeye back.

(B) The Assignment of Counsel Issue

47. The Single Judge also erred in denying Nzuwonemeye's request for assignment of counsel on the grounds that he "has not demonstrated in what way the ground he has invoked has a likelihood of succeeding."⁴⁹

48. In granting the assignment of counsel on appeal, the Appeals Chamber recognised that counsel could be assigned to an acquitted person in "exceptional circumstances". The test for exceptional circumstances includes the complexity of the issues⁵⁰ and whether the likelihood of success can be excluded.⁵¹

49. The Single Judge erred in failing to consider the complexity of the Article 28

⁴⁴ See *Motion for Order to Government of France* (23 August 2018), para 15

⁴⁵ *Id.*, para. 16

⁴⁶ *Id.*, paras. 17-19

⁴⁷ *Id.*, para. 20

⁴⁸ *Id.*, paras. 11-12

⁴⁹ *Id.*, para. 13

⁵⁰ *Decision on a Motion for Assignment of Counsel and for an Extension of Time* (13 December 2018), p. 2

⁵¹ *Prosecutor v Popovic*, No. MICT-15-85-R.1, *Decision on a Request for Assignment of Counsel* (23 September 2016) at p. 2

issue at all. That issue is the same for which the Appeals Chamber has granted the assignment of counsel, except for the question of the right to appeal. It was error for the Single Judge to fail to take complexity into account when denying the assignment of counsel.

50. The Single Judge also erred in equating success on the merits with the assignment of counsel. The standard is whether, looking at it prospectively, the likelihood of the motion's success cannot be excluded. There are many motions for which the likelihood of success cannot be excluded, but may ultimately be denied on the merits.⁵² The Single Judge erred in putting counsel on a contingency fee, denying remuneration simply because the motion did not ultimately succeed.

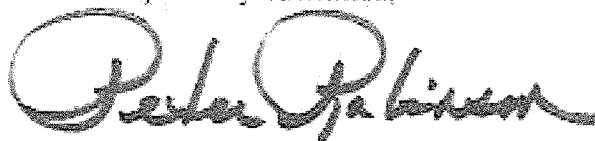
51. The Appeals Chamber should reverse the Impugned Decision and order the Registrar to remunerate *pro bono* counsel for his work on the *Motion for Order to Government of France*.⁵³

Conclusion

52. The Impugned Decision should be reversed.

Word count: 4629

Respectfully submitted,



PETER ROBINSON

Counsel for Francois-Xavier Nzuwonemeye

⁵² Compare *Kamuhanda v Prosecutor*, No. ICTR-99-54A-R, *Decision on Motion for Legal Assistance* (21 July 2009) with *Kamuhanda v Prosecutor*, No. ICTR-99-54A-R, *Decision on Request for Review* (25 August 2011); *Prosecutor v Kajelijeli*, No. ICTR-98-44A-R, *Decision on Request for Assignment of Counsel* (12 November 2009) with *Prosecutor v Kajelijeli*, No. ICTR-98-44A-R, *Decision on Request for Review* (29 May 2013)

⁵³ The time sheet for counsel's work on the motion is attached as Annex "A".

ANNEX “A”

PETER ROBINSON*Trial Lawyer***E-mail: peter@peterrobinson.com**

TIME RECORD

*Prosecutor v Francis-Xavier Nzuwonemeye*2018

04 Jul	E-mails w/client	0.2
	E-mail w/Arthur Vercken (immigration counsel in France)	0.4
08 Jul	Rev'd Appeals Chamber judgement	0.7
	Res'd Article 28 scope—rev'd <i>Ntagerura, Ntabakuze, Ngirabatware</i> decisions	1.5
10 Jul	E-mails w/Arthur Vercken	0.2
	Rev'd briefs from Arthur Vercken	0.3
	E-mail w/client	0.1
17 Jul	Prepared for Skype meeting w/client	0.8
	E-mails w/client	0.2
	Skype w/client	0.6
	Sent power of attorney to client	0.1
	Drafted notes of meeting w/client	0.5
18 Jul	Rev'd Note Verbale sent by ICTR Registrar in 2014	0.2
	E-mails w/client	0.2
	E-mail w/former counsel Charles Taku	0.1
19 Jul	Drafted letter to France	0.4
	E-mails w/client	0.3
	Res'd and drafted motion for assignment of counsel	1.0
	Rev'd and revised translation of letter to France	0.3
	Prepared cover sheets and filed motion and letters	0.4
20 Jul	E-mails w/client	0.4
	Res'd Dublin Regulations	0.6
	Drafted letter to Tanzania	0.3
	Res'd Geneva Convention re repatriation	0.7

21 Jul	Revised letter to Tanzania	0.2
23 Jul	E-mail w/Registry re filing of letters to States	0.2
	E-mails w/client	0.2
24 Jul	E-mails w/Registry re filing of letters to States	0.2
	E-mail w/client	0.1
	Sent letters to France and Tanzania	0.5
	Rev'd Recognition of Pro Bono Counsel	0.1
	Res'd rights of acquitted persons	2.2
26 Jul	Res'd Article 28 issues	4.6
	Drafted letter to Registrar re note verbale	0.3
	E-mails w/client	0.3
	Rev'd client asylum documents	1.3
27 Jul	E-mail w/Arthur Vercken re French immigration law	0.3
	Res'd Article 28 issues	4.0
29 Jul	E-mail w/MICT librarian re HQ agreement	0.1
	E-mail w/client	0.1
30 Jul	E-mails w/client	0.3
	E-mails w/MICT librarian	0.2
31 Jul	Rev'd HQ agreement	0.3
	Res'd oral hearing in Article 28-29 cases	0.7
	Res'd French asylum decision grounds	1.6
01 Aug	Res'd and summarized French asylum decision	1.5
	Res'd articles on ICTR acquitted persons	0.6
	E-mail w/Registry re DVD of court records	0.1
	E-mails w/Arthur Vrecken re French asylum law	0.2
02 Aug	Rev'd order assigning a single judge	0.1
	E-mail w/client	0.1
	E-mails w/Registry re DVD of court records	0.2
	Processed French translation for client	0.1
	Anl'd Heller and Van Wijk law review articles	0.8
	Res'd French asylum law issues	0.6
	Res'd ICTR reports to UNSC re acquitted persons	0.8
	Res'd ICTY, ICTR, MICT Article 28 jurisprudence	0.9

03 Aug	Drafted motion for order to France	6.3
	Rev'd parts of trial and appeals judgement	0.8
09 Aug	E-mail w/Registrar re note verbale	0.1
	Rev'd Michels law review article	0.4
	Revised motion for order to France	0.6
10 Aug	E-mails w/Registrar re note verbale	0.2
	Revised Motion for Order to France	0.4
13 Aug	Submitted docs for translation	0.6
	E-mails w/Registry re DVD of court records	0.2
	E-mails w/language section re translations	0.1
	Rev'd letter from French court d'etat	0.1
	E-mails w/client	0.2
14 Aug	E-mail w/client	0.1
	Processed French translation of order for client	0.1
17 Aug	Copied DVD of case file from Registry	0.3
	E-mail w/Registry re DVD	0.1
22 Aug	Revised Motion to France	1.3
23 Aug	Revised and filed Motion for Order to France	0.8
	E-mails w/Registry re public filing	0.3
	E-mails w/Registrar re letter from France	0.2
24 Aug	E-mails w/client re motion	0.2
	E-mail w/OTP re motion	0.1
	E-mail w/Arthur Vrecken re motion	0.1
	T/C w/Registrar	0.1
	E-mail w/Nzuwonemeye's trial counsel	0.1
28 Aug	E-mails w/CLSS re translations	0.2
	Rev'd translations of note verbale and Sept 2015 Asylum appeal	0.3
29 Aug	Rev'd Order assigning Judge	0.1
	E-mail w/client	0.1
03 Sep	Rev'd translations of French asylum decisions	0.2
	E-mails w/CLSS re translations	0.1
	E-mail w/client	0.1

10 Sep	Rev'd ADC amicus curiae filing	0.1
	E-mails w/ADC re amicus curiae filing	0.1
	E-mail w/client	0.1
12 Sep	Processed French translation for client	0.1
	Rev'd Assignment order for ADC motion	0.1
19 Sep	Processed French translation for client	0.1
23 Sep	Obtained and reviewed translation of client's 2017 asylum appeal	0.5
28 Sep	Processed French translation for client (2)	0.2
	E-mail w/client	0.1
04 Oct	E-mail w/client	0.1
10 Oct	Rev'd decision assigning Judge Kam	0.1
	E-mail w/client	0.1
22 Oct	Rev'd decision on motion for order to France (F)	0.8
	E-mail w/client	0.1
	Res'd time frames for appeal	0.3
	E-mail w/Registry re translation of decision	0.1
	E-mail w/Arthur Vrecken re decision	0.1
	E-mails w/Charles Taku re decision	0.2
23 Oct	E-mails w/client	0.3
	Res'd and drafted Motion for Assignment of Counsel on Appeal	1.8
	E-mail w/Registry re translation	0.1
	E-mail w/Arthur Vrecken	0.1
24 Oct	E-mails w/Registry re translation	0.2
26 Oct	Rev'd Order Assigning Appeals Chamber	0.1
	Rev'd Decision on Motion for Order to France (E)	0.2
	Processed French translations for client (2)	0.2
	E-mails w/client	0.2
	Total hours	55.7



IRMCT · MIFRTP

TRANSMISSION SHEET FOR FILING OF DOCUMENTS / FICHE DE TRANSMISSION POUR LE DEPOT DE DOCUMENTS

I - FILING INFORMATION / INFORMATIONS GÉNÉRALES

To/ À :	IRMCT Registry/ Greffe du MIFRTP	<input checked="" type="checkbox"/> Arusha/ Arusha	<input type="checkbox"/> The Hague/ La Haye
From/ De :	<input type="checkbox"/> Chambers/ Chambre	<input checked="" type="checkbox"/> Defence/ Défense	<input type="checkbox"/> Prosecution/ Bureau du Procureur
Case Name/ Affaire :	Prosecutor v Nzuwonemeye	Case Number/ Affaire n° :	MICT-13-43
Date Created/ Daté du :	17 December 2018	Date transmitted/ Transmis le :	17 December 2018
		No. of Pages/ Nombre de pages :	16
Original Language / Langue de l'original :	<input checked="" type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda / B/C/S
			<input type="checkbox"/> Other/Autre (specify/préciser) :
Title of Document/ Titre du document :	APPEAL FROM DECISION ON MOTION FOR ORDER TO THE GOVERNMENT OF FRANCE		
Classification Level/ Catégories de classification :	<input checked="" type="checkbox"/> Unclassified/ Non classifié	<input type="checkbox"/> Ex Parte Defence excluded/ Défense exclue	<input type="checkbox"/> Ex Parte Prosecution excluded/ Bureau du Procureur exclu
	<input type="checkbox"/> Confidential/ Confidentiel	<input type="checkbox"/> Ex Parte R86(H) applicant excluded/ Art. 86 H) requérant exclu	<input type="checkbox"/> Ex Parte Amicus Curiae excluded/ Amicus curiae exclu
	<input type="checkbox"/> Strictly Confidential/ Strictement confidentiel	<input type="checkbox"/> Ex Parte other exclusion/ autre(s) partie(s) exclue(s) (specify/préciser) :	
Document type/ Type de document :	<input type="checkbox"/> Motion/ Requête <input type="checkbox"/> Judgement/ Jugement/Arrêt <input type="checkbox"/> Book of Authorities/ Recueil de sources <input type="checkbox"/> Warrant/ Mandat <input type="checkbox"/> Decision/ Décision <input type="checkbox"/> Submission from parties/ Écritures déposées par des parties <input type="checkbox"/> Affidavit/ Déclaration sous serment <input checked="" type="checkbox"/> Notice of Appeal/ Acte d'appel <input type="checkbox"/> Order/ Ordonnance <input type="checkbox"/> Submission from non-parties/ Écritures déposées par des tiers <input type="checkbox"/> Indictment/ Acte d'accusation		

II - TRANSLATION STATUS ON THE FILING DATE/ ÉTAT DE LA TRADUCTION AU JOUR DU DÉPÔT

<input type="checkbox"/> Translation not required/ La traduction n'est pas requise										
<input checked="" type="checkbox"/> Filing Party hereby submits only the original, and requests the Registry to translate/ La partie déposante ne soumet que l'original et sollicite que le Greffe prenne en charge la traduction : (Word version of the document is attached/ La version Word est jointe) <input type="checkbox"/> English/ Anglais <input checked="" type="checkbox"/> French/ Français <input type="checkbox"/> Kinyarwanda <input type="checkbox"/> B/C/S <input type="checkbox"/> Other/Autre(specify/préciser) :										
<input type="checkbox"/> Filing Party hereby submits both the original and the translated version for filing, as follows/ La partie déposante soumet l'original et la version traduite aux fins de dépôt, comme suit : <table border="0"> <tr> <td>Original/ Original en</td> <td><input type="checkbox"/> English/ Anglais</td> <td><input type="checkbox"/> French/ Français</td> <td><input type="checkbox"/> Kinyarwanda / B/C/S</td> <td><input type="checkbox"/> Other/Autre (specify/préciser) :</td> </tr> <tr> <td>Translation/ Traduction en</td> <td><input type="checkbox"/> English/ Anglais</td> <td><input type="checkbox"/> French/ Français</td> <td><input type="checkbox"/> Kinyarwanda / B/C/S</td> <td><input type="checkbox"/> Other/Autre (specify/préciser) :</td> </tr> </table>	Original/ Original en	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda / B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :	Translation/ Traduction en	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda / B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :
Original/ Original en	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda / B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :						
Translation/ Traduction en	<input type="checkbox"/> English/ Anglais	<input type="checkbox"/> French/ Français	<input type="checkbox"/> Kinyarwanda / B/C/S	<input type="checkbox"/> Other/Autre (specify/préciser) :						
<input type="checkbox"/> Filing Party will be submitting the translated version(s) in due course in the following language(s)/ La partie déposante soumettra la (les) version(s) traduite(s) sous peu, dans la (les) langue(s) suivante(s) : <input 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) :										

Send completed transmission sheet to/ Veuillez soumettre cette fiche dûment remplie à :

JudicialFilingsArusha@un.org OR/ OU JudicialFilingsHague@un.org

Rev: July 2018/ Rév. : juillet 2018