

Annotated Leading Cases of International Criminal Tribunals

The International Criminal Tribunal for Rwanda 2010-2012

André Klip and Steven Freeland (eds.)

Victoria Haberle (assistant editor)



## **CONTENTS**

Contents	5
Preface	7
Part I Preliminary Issues	
Decision on Prosecutor's Request for Clarification of Trial Chamber's "Decision on the Prosecution Motion for Admission into Evidence of Post-Arrest Interviews with Joseph Nzirorera and Mat[t]hieu Ngirumpatse" Rule 89(C) and 95 of the Rules of Procedure and Evidence, Prosecutor v. Karemera and Ngirumpatse, Case No. ICTR-98-44-T, T.Ch. III, 6 December 2010	9
Decision on the Prosecutor's Request for Preservation of Evidence by Special Deposition for a Future Trial (Pursuant to Rule 71bis), Prosecutor v. Bizimana, Case No. ICTR-98-44F-R71bis, T. Ch. III, 5 May 2011	13
Decision on Callixte Nzabonimana's Interlocutory Appeal of the Trial Chamber's Decision, Dated 10 February 2011, Nzabinomana v. Prosecutor, Case No. ICTR-98-44D-AR77, A. Ch., 11 May 2011.	19
	23
Dissenting Opinion of Judge Liu Daqun	
Commentary Ana María Torres Chedraui	24
Part II Referral To Rwanda	
Decision on Prosecutor's Request for Referral to the Republic of Rwanda, Rule 11 bis of the Rules of Procedure and Evidence, Prosecutor v. Uwinkindi, Case No. ICTR-2001-75-R11bis, R. Ch., 28 June 2011.	35
Decision on Uwinkindi's Appeal against the Referral of His Case to Rwanda and Related Motions, Prosecutor v. Uwinkindi, Case No. ICTR-01-75-AR11bis, A. Ch., 16 December 2011	81
Decision on the Monitoring Arrangements for the Trial of Jean Uwinkindi in the Republic of Rwanda, <i>Prosecutor v. Uwinkindi</i> , Case No. ICTR-01-75-R11bis, Office of the President, 5 April 2012.	101
Decision on the Prosecutor's Request for Referral of the Case to the Republic of Rwanda, <i>Prosecutor v. Munyagishari</i> , Case No. ICTR-2005-89-R11 <i>bis</i> , R.Ch., 6 June 2012	109
Decision on Appeal against the Referral of Phénéas Munyarugarama's Case to Rwanda and Prosecution Motion to Strike, <i>Prosecutor v. Munyarugarama</i> , Case No. MICT-12-09-AR14, A. Ch., 5 October 2012	155
Commentary Mark Mackarel	162
Part III Post-Trial Issues	
Decision on Request for Review, <i>Prosecutor v. Kamuhanda</i> , Case No. ICTR-99-54A-R, A. Ch., 25 August 2011	169
Decision on the Early Release of Michel Bagaragaza, Article 27 of the Statute, Rules 125 and 126 of the Rules of Procedure and Evidence, and the Practice Direction on the Procedure for the Determination of Application for Pardon, Commutation of Sentence and Early Release of Persons Convicted by the International Criminal Tribunal for Rwanda, <i>Prosecutor v. Bagaragaza</i> , Case No. ICTR-05-86-S, Office of the President, 24 October 2011	185
Decision on Protais Zigiranyirazo's Motion for Damages, Zigiranyirazo v. Prosecutor, Case No. ICTR-2001-01-073, T. Ch. III, 18 June 2012	189