ANNOTATED LEADING CASES OF

INTERNATIONAL CRIMINAL TRIBUNALS

VOLUME XXXVI:

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA 2009

٦

TABLE OF CONTENTS

Table of Contents	5
Preface	7

Part 1 / Procedural Matters

1. Standards for investigation of false testimony

Decision on "Joseph Nzirorera's Appeal from refusal to investigate [a] prosecution witness for false testimony" and on Motion for Oral Arguments, <i>Prosecutor v. Karemera, Ngirumpatse and Nzirorera</i> , Case No. ICTR-98-44-AR.91, A. Ch., 22 January 2009	9
Commentary Marjolein Cupido	16
2. Fair trial	
Decision on Continuation of Trial (Articles 19 and 20 of the Statute and Rule 82(B) of the Rules of Procedure and Evidence), <i>Prosecutor v. Karemera, Ngirumpatse and Nzirorera</i> , Case No. ICTR-98-44-T, T. Ch. III, 3 March 2009	25
Decision on Trial Date, Prosecutor v. Ngirabatware, Case No. ICTR-99-54-T, T. Ch. II, 12 June 2009	37
Decision on Appeal Concerning the Severance of Matthieu Ngirumpatse, <i>Karemera, Ngirumpatse and Nzirorera v. Prosecutor</i> , Case No. ICTR-98-44-AR73.16, A. Ch., 19 June 2009	49
Decision on Édouard Karamera's Motion relating to his right to be tried without undue delay (Article 21 (4) (d) of the Statute), <i>Prosecutor v. Karemera, Ngirumpatse and Nzirorera</i> , Case No. ICTR-98-44-T, T. Ch. (III, 23 June 2009	57
Commentary Caroline Fournet	62
3. Review/Evidence	
Decision on the Prosecutor's Appeal Concerning the scope of Evidence to be Adduced in the Retrial, Prosecutor v. Muvunyi, Case No. ICTR-2000-55A-AR73, A. Ch., 24 March 2009	69
Joint Dissenting Opinion of Judges Shahabuddeen and Meron	75
Decision on Motion requesting Preliminary Conference with Former Legal Team for the Preparation of a Request for the Assignment of Counsel for the Purpose of a Review, <i>Musema-Uwimana v. Prosecutor</i> , Case No. ICTR-96-13-R, A. Ch., 18 June 2009	77
Decision on Jean-Bosco Barayagwiza's Motion for Review and/ or Reconsideration of the Appeal Judgement of 28 November 2007, <i>Barayagwiza v. Prosecutor</i> , Case No. ICTR-99-52A-R, A. Ch., 22 June 2009	81
Decision on Motion for Legal Assistance, Kamuhanda v. Prosecutor, Case No. ICTR-99-54A-R, A. Ch., 21 July 2009	91
Commentary Cristina Fernandez-Pacheco Estrada	97

4. Provisional release

ision on Matthieu Ngirumpatse's Appeal against Decision on Remand on Provisional Release, emera, Ngirumpatse and Nzirorera v. Prosecutor, Case No. ICTR-98-44-AR65, A. Ch.,	105
8 December 2009	105
Dissenting Opinion Judge Liu Daqun	
Commentary Mariam Pathan	114

Part 2 / Judgements and Sentencing

5. Judgements

Judgement, Karera v. Prosecutor, Case No. ICTR-01-74-A, A. Ch., 2 February 2009	121
Commentary Sandhiya Singh	205
Judgement, Proseuctor v. Rukundo, Case No. ICTR-2001-70-T, T. Ch. II, 27 February 2009	213
Commentary Michele Panzavolta	341
Judgement, Prosecutor v. Kalimanzira, Case No. ICTR-05-88-T, T. Ch. III, 22 June 2009	359
Commentary Pedro Caeiro and Miguel Ângelo Lemos	496
Judgement, Prosecutor v. Nshogoza, Case No. ICTR-07-91-T, T. Ch. III, 7 July 2009	509
Commentary Joachim Renzikowski	574
Judgement and Sentence, Prosecutor v. Renzaho, Case No. ICTR-97-31-T, T. Ch. I, 14 July 2009	583
Commentary Hilde Farthofer	772
Judgement, Zigiranyirazo v. Prosecutor, Case No. 1CTR-01-73-A, A. Ch., 16 November 2009	777
Commentary Ward Ferdinandusse	803
Sentencing Judgement, <i>Prosecutor v. Bagaragaza</i> , Case No. ICTR-05-86-S, T. Ch. III, 17 November 2009	811
Commentary David Taylor	823
Index	831
Contributors and Editors	833