

MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

**CASE NO.: MICT-12-29-A
APPEALS CHAMBER**

**AUGUSTIN NGIRABATWARE
v.
THE PROSECUTOR**

**STATUS CONFERENCE
MONDAY, 29 SEPTEMBER 2014
1200H**

Before the Judge:

Theodor Meron, Presiding

For the Registry:

**Ms. Xheni Shehu
Ms. Joyce Ngowi**

For the Prosecution:

**Ms. Inneke Onsea
Mr. Takeh Sendze
Mr. Nigel Davidson
Ms. Chelsea Fewkes
Ms. Sharifah Adong**

For the Accused Augustin Ngirabatware:

Ms. Mylène Dimitri

Court Reporter:

Ms. Deirdre O'Mahony

PROCEEDINGS

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MR. PRESIDENT:

Please be seated.

MS. SHEHU:

The Mechanism for International Criminal Tribunals is now in session.

MR. PRESIDENT:

Good morning.

Registrar, would you please call the case.

MS. SHEHU:

Good morning, Your Honour. This is case number MICT-12-29-A, in the matter of Augustin Ngirabatware v. the Prosecutor sitting in open session today, Monday, 29 September 2014 for a status conference.

MR. PRESIDENT:

Thank you, Registrar.

Mr. Ngirabatware, can you hear the proceedings in a language you follow?

APPELLANT NGIRABATWARE:

(microphone not activated)

MR. PRESIDENT:

Thank you. You may be seated.

Next, I would like to call for the appearances of the parties.

First, Counsel for Mr. Ngirabatware.

MS. DIMITRI:

Good afternoon, Mr. President. Good afternoon, Prosecution. I am Mylène Dimitri, Lead Counsel for Mr. Ngirabatware.

MR. PRESIDENT:

Thank you.

And for the Prosecution.

MS. ONSEA:

Good afternoon, Mr. President. Appearing on behalf of the Prosecution today are Takeh Sendze, Nigel Davidson, Chelsea Fewkes, Sharifah Adong; as well as myself, Inneke Onsea.

1 MR. PRESIDENT:

2 Thank you, Prosecutor.

3

4 As you are aware, Rule 69(B) of the Rules of Procedure and Evidence of the Mechanism
5 requires a status conference to be convened within 120 days of the filing of a notice of appeal
6 and, thereafter, within 120 days after the last status conference.

7

8 I have previously explained but let me reiterate the two primary purposes of a status
9 conference for the benefit of all. First, a status conference facilitates exchanges between the
10 parties to as to ensure expeditious appeal proceedings. Second, it provides an opportunity to
11 review the status of the case and to allow the person in custody pending appeal an opportunity
12 to raise issues in relation to the detention, including his mental and physical condition.

13

14 There have been three status conferences already in this case, held on 17 July 2013,
15 8 November 2013, and 12 February 2014. The parties waived the status conference that was
16 to be held no later than 12 June 2014. This was in view of the proximity of the appeal hearing,
17 which was held on 30 June 2014. Accordingly, today's conference, scheduled by an order
18 issued on 20 August 2014, is being conducted within the days prescribed by the Rules.

19

20 I turn to the situation and health of the appellant.

21

22 I would like to begin by inquiring into Mr. Ngirabatware's health and detention conditions. If
23 there are any concerns in relation to the detention conditions or state of health, I would invite
24 you to raise them now. If you wish, this discussion can take place in a closed session.

25

26 Counsel for Mr. Ngirabatware, please.

27 MS. DIMITRI:

28 Thank you, Mr. President, we can remain in public session. We have no comment today in
29 regard to Mr. Ngirabatware's health. We thank you.

30 MR. PRESIDENT:

31 I am pleased to hear that and thank you.

32

33 I will therefore turn to recent procedural history.

34

35 Update of the case, Mr. Ngirabatware filed his notice of appeal on 9 April 2013.

36

37 Mr. Ngirabatware filed his Appellant's brief on 18 June 2013 and filed a corrigendum to the

1 brief on 16 July 2013. The Prosecution filed its Respondent's brief on 29 July 2013 and a
2 corrigendum to the Respondent's brief on 4 November 2013. Mr. Ngirabatware's reply brief
3 was filed on 13 August 2013. As mentioned earlier, the appeal hearing was held on 30 June
4 2014.

5
6 Mr. Ngirabatware has filed several motions that are now pending before the
7 Appeals Chamber. These motions all relate to requests for admission of additional evidence.
8 The motions are fully briefed and decisions will be issued in due course.

9
10 At this stage, I would like to ask the parties if they have any issues which they would like to
11 raise at this time.

12
13 Counsel for the defence.

14 MS. DIMITRI:

15 If I may risk the obvious question, Mr. President, we expect the judgement this year?

16 MR. PRESIDENT:

17 Yes. We hope to have the judgement delivered before the end of the year.

18 MS. DIMITRI:

19 Thank you, Mr. President.

20 MS. ONSEA:

21 Thank you, Mr. President. We don't have any issue to raise.

22 MR. PRESIDENT:

23 Well, since I answered the question of the defence and the prosecution has no issues to raise,
24 I would like to thank you and thank everybody for their attendance and call this status
25 conference to a close.

26

27 MS. SHEHU: All rise.

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29 *(Court adjourned at 1210H)*

30 *(Pages 1 to 3 by Deirdre O'Mahony)*

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CERTIFICATE

I, Deirdre O'Mahony, Official Court Reporter for the status conference of the Mechanism for International Criminal Tribunals, do hereby certify that the foregoing proceedings in the above-entitled cause were taken at the time and place as stated; that it was taken in shorthand (*stenotype*) and thereafter transcribed by computer; that the foregoing pages contain a true and correct transcription of said proceedings to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause and that I am in nowise interested in the result of said cause.

Deirdre O'Mahony

Deirdre O'Mahony