



MINUTES OF PROCEEDINGS PROCES-VERBAL D'AUDIENCE

Rule 35 of the Rules of Procedure and Evidence / Art. 44 of the Directive for the Registry on Court Management
Art. 35 Règlement de Procédure et de Preuve / Art. 44 Directive au Greffe sur l'Administration des Chambres

Case Name: **NTABAKUZE**
Case No: ICTR-98-41A-A
Appeals Chamber
Courtroom: Laïty Kama

Before / Devant: Judge Theodor Meron (presiding); Judge Mehmet Güney; Judge Fausto Pocar;
Judge Liu Daqun; Judge Arlette Ramaroson
Specificities / Spécificités: Single
Prosecution / Poursuite: Hassan Bubacar Jallow; James J. Arguin; George W. Mugwanya; Aisha Kagabo
Accused / Accusés: Aloys Ntabakuze
Defence / La Défense: André Tremblay
Registry / Greffe: Nouhou Madani Diallo; Edward Matemanga
Date: Tuesday 08 May 2012

Appeal Judgement

1. **Remarks / Remarques:**

- a. The Presiding Judge indicated that the written authoritative version of the Judgement would be distributed at the conclusion of the proceedings.
- b. The Presiding Judge read a summary of the Judgement and concluded by reading the full operative text of the Appeals Chamber's disposition:

THE APPEALS CHAMBER,

PURSUANT to Article 24 of the Statute and Rule 118 of the Rules;

NOTING the written submissions of the parties and their oral arguments presented at the appeal hearing on 27 September 2011;

SITTING in open session;

GRANTS Ground 9 of Ntabakuze's appeal and REVERSES his conviction for other inhumane acts as a crime against humanity for preventing the refugees killed at Nyanza hill from seeking sanctuary;

GRANTS Grounds 1 and 17 of Ntabakuze's appeal in part and SETS ASIDE the finding that he is responsible for the commission of crimes by militiamen;

GRANTS, Judges Pocar and Liu dissenting, Ground 18 of Ntabakuze's appeal in part and REVERSES, Judges Pocar and Liu dissenting, his convictions for genocide, crimes against humanity, and serious violations of Article 3 common to the Geneva Conventions and of Additional Protocol II in relation to the killings in Kabeza on 7 and 8 April 1994;

GRANTS Ground 15 of Ntabakuze's appeal and REVERSES his convictions for murder as a crime against humanity;

DISMISSES Ntabakuze's appeal in all other respects;

AFFIRMS Ntabakuze's convictions for genocide, extermination and persecution as crimes against humanity, and violence to life as a serious violation of Article 3 common to the Geneva Conventions and of Additional Protocol II for the killings at Nyanza hill on 11 April 1994 and IAMSEA around 15 April 1994;

SETS ASIDE, Judges Pocar and Liu dissenting, the sentence of life imprisonment imposed on Ntabakuze by the Trial Chamber, and, Judges Pocar and Liu dissenting, IMPOSES a sentence of 35 years of imprisonment, subject to credit being given under Rules 101(C) and 107 of the Rules for the period he has already spent in detention since his arrest on 18 July 1997;

RULES that this Judgement shall be enforced immediately pursuant to Rule 119 of the Rules; and

ORDERS that, in accordance with Rules 103(B) and 107 of the Rules, Ntabakuze is to remain in the custody of the Tribunal pending the finalisation of arrangements for his transfer to the State where his sentence will be served.

Judges Pocar and Liu append a joint declaration.

Judges Pocar and Liu append a joint dissenting opinion.

c. The Presiding Judge asked that the written Judgement be distributed. He thanked the parties and the support staff and adjourned the proceedings.

2. Decisions & Orders rendered orally / *Décisions & Ordonnances rendues oralement.*

- None

3. Witnesses heard / *Témoins entendus:*

- None

4. Exhibits tendered / *Pièces à conviction présentées:*

- None

Opening <i>Overture</i>	Adjournment <i>Suspension</i>	
10:00 a.m.	10:35 a.m.	
XXX	XXX	
XXX	XXX	
XXX	XXX	
XXX	XXX	
Total time in Court <i>Durée des débats</i>		0h 35 mins

Signature

Signed

Willow Crystal
Associate Legal Officer

For Judge Theodor Meron
Presiding Judge
Appeals Chamber

Date: 08 May 2012

Signature

Signed

Nouhou Madani Diallo

Legal Officer
CMS Coordinator

Date: 08 May 2012