



UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

308/H

ICTR-01-75-AR11bis

26th January 2012

{308/H - 307/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Patrick Robinson
Judge Mehmet Güney
Judge Andréia Vaz
Judge Carmel Agius

Registrar: Mr. Adama Dieng

Decision of: 26 January 2012

JEAN UWINKINDI

v.

THE PROSECUTOR

Case No. ICTR-01-75-AR11bis

**INTERIM ORDER ON UWINKINDI'S MOTION FOR REVIEW OR
RECONSIDERATION OF THE DECISION OF 16 DECEMBER 2011**

Counsel for Jean Uwinkindi:

Mr. Claver Sindayigaya

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. James J. Arguin
Mr. George Mugwanya
Ms. Inneke Onsea
Mr. Abdoulaye Seye
Mr. François Nsanzuwera

ICTR Appeals Chamber
Date: 26 th January 2012
Action: R. Tumbah
Copied To: Concerned Judges, SACs, LOS, PROs, Parties, CRES, etc.

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS
NAME / NOM: SHARIFAH ADONG
SIGNATURE: Sharifah Adong DATE: 26/01/2012

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively),

RECALLING the Appeals Chamber’s decision of 16 December 2011 which, *inter alia*, dismissed Mr. Jean Uwinkindi’s appeal against the referral of his case to the Republic of Rwanda and stayed his transfer to Rwanda pending the acceptance of a corrected indictment;¹

BEING SEISED of a motion filed by Mr. Uwinkindi on 25 January 2012,² in which he seeks review or reconsideration of the Decision of 16 December 2011 on an expedited basis and, in the interim, an injunction to prevent his transfer to Rwanda pending a decision on the Motion;³

NOTING that, according to the Motion, the amended indictment against Mr. Uwinkindi was accepted by a trial chamber of the Tribunal on 23 January 2012 and, therefore, Mr. Uwinkindi’s transfer to Rwanda is now imminent;⁴

CONSIDERING that it is appropriate to stay the transfer of Mr. Uwinkindi to Rwanda pending resolution of the Motion;

HEREBY GRANTS the Motion in part and, pursuant to Rules 54 and 107 of the Rules of Procedure and Evidence of the Tribunal, **STAYS** the transfer of Mr. Uwinkindi pending full resolution of the Motion by the Appeals Chamber.

Done in English and French, the English version being authoritative.

Done this 26th day of January 2012,
At The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Theodor Meron
Presiding

¹ Decision on Uwinkindi’s Appeal Against the Referral of his Case to Rwanda and Related Motions, 16 December 2011 (“Decision of 16 December 2011”), para. 89.

² Defence Extremely Urgent Motion for Review or Reconsideration of the Decision of 16 December 2011 on Uwinkindi’s Appeal Against the Referral of his Case to Rwanda, 25 January 2012 (“Motion”).

³ Motion, paras. 21, 22.

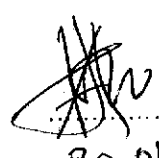
⁴ Motion, para. 16.



International Criminal Tribunal for Rwanda Tribunal Pénal International pour le Rwanda

Arusha International Conference Centre
P.O. Box 6016, Arusha, Tanzania - B.P. 6016, Arusha, Tanzanie
Tel: 255 57 504207-11 504367-72 or 1 212 963 2850 Fax: 255 57 504000/504373 or 1 212 963 2848/49

PROOF OF SERVICE – ARUSHA PREUVE DE NOTIFICATION – ARUSHA

Date: 27/01/12		Case Name / Affaire: The Prosecutor vs. - JEAN UWINKINDI	
		Case No /Affaire No.: ICTR-01-75-I	
To:	received by / reçu par:	ALO:	received by / reçu par
A:			
<input type="checkbox"/> TC1 Judge	<input type="checkbox"/>
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<input type="checkbox"/> TC2			
<input type="checkbox"/> Judge W. H. Sekule	<input type="checkbox"/>
<input type="checkbox"/> Judge	<input type="checkbox"/>
<input type="checkbox"/> Judge K. R. Khan (<i>Bizimungu et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge S. B. Bossa (<i>Nyiramasuhuko et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge L. G. Muthoga (<i>Bizimungu et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge E. F. Short (<i>Bizimungu et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge T. Hikmet (<i>Ndindiliyimana et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge S. K. Park (<i>Ndindiliyimana et al.</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge Arrey	<input type="checkbox"/>
<input checked="" type="checkbox"/> Judge Short	<input type="checkbox"/>
<input type="checkbox"/> Judge Fremr.	<input type="checkbox"/>
<input type="checkbox"/> A. Leroy, Co-ordinator			
<input type="checkbox"/> W. Romans, Judgement Coordinator			
<input type="checkbox"/> TC3			
<input type="checkbox"/> Judge K. R. Khan	<input type="checkbox"/>
<input type="checkbox"/> Judge I.M. Weinberg de Roca	<input type="checkbox"/>
<input type="checkbox"/> Judge D.C.M. Byron, President	<input type="checkbox"/>
<input type="checkbox"/> Judge L.G. Muthoga (<i>Zigiranyirazo</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge F.R. Arrey (<i>Bikindi</i>)	<input type="checkbox"/>
<input checked="" type="checkbox"/> Judge G.G. Kam (<i>Karempera et al & Nchamihigo</i>)	<input type="checkbox"/>
<input type="checkbox"/> Judge R. Fremr (<i>Bikindi & Nchamihigo</i>)	<input type="checkbox"/>
<input checked="" type="checkbox"/> OTP / BUREAU DU PROCUREUR			
<input type="checkbox"/> Trial Attorney in charge of case:	RICHARD KAREGYESA	received by	
<input checked="" type="checkbox"/> DEFENSE			30-01-2012 complete / remplir " CMS4 FORM"
<input type="checkbox"/> Accused / Accusé:	JEAN UWINKINDI		
<input type="checkbox"/> Lead Counsel	CLAVER SINDAYIGAYA		
<input type="checkbox"/> In / à Arusha Arusha (signature)	<input type="checkbox"/> by fax	complete / remplir " CMS3bis FORM"
<input type="checkbox"/> Co-Counsel / Conseil Adjoint:	Iain Edwards	<input type="checkbox"/> by fax	complete / remplir " CMS3bis FORM"
<input type="checkbox"/> In / à Arusha Arusha (signature)	<input type="checkbox"/>	
All Decisions:	<input type="checkbox"/> Appeals Chamber Unit, The Hague		
All Decisions & Important Public Documents:	<input type="checkbox"/> Press & Public Affairs		<input type="checkbox"/> Legal Library
From: De:	<input type="checkbox"/> (OIC, CHIEF CMS) <input checked="" type="checkbox"/> <u>N. Diallo (Team 1)</u> <input type="checkbox"/> C. Hometowu (OIC, JPU)		
Cc:	<input type="checkbox"/> A. Dieng, Registrar <input type="checkbox"/> OLA, NY <input type="checkbox"/> Deputy Registrar <input type="checkbox"/> S. van Driessche		
	<input type="checkbox"/> WVSS <input type="checkbox"/> ICTR Spokesperson <input type="checkbox"/> S. Lamb <input type="checkbox"/> P. Enow		DCDMS
Subject: Objet:	Kindly find attached the following document(s) / Veuillez trouver en annexe le(s) document(s) suivant(s):		

INTERIM ORDER ON UWINKINDI'S MOTION FOR REVIEW OR RECONSIDERATION OF
THE DECISION OF 16 DECEMBER 2011

26/01/2012