

I. INTRODUCTION

1. Trial Proceedings

2

[REDACTED]

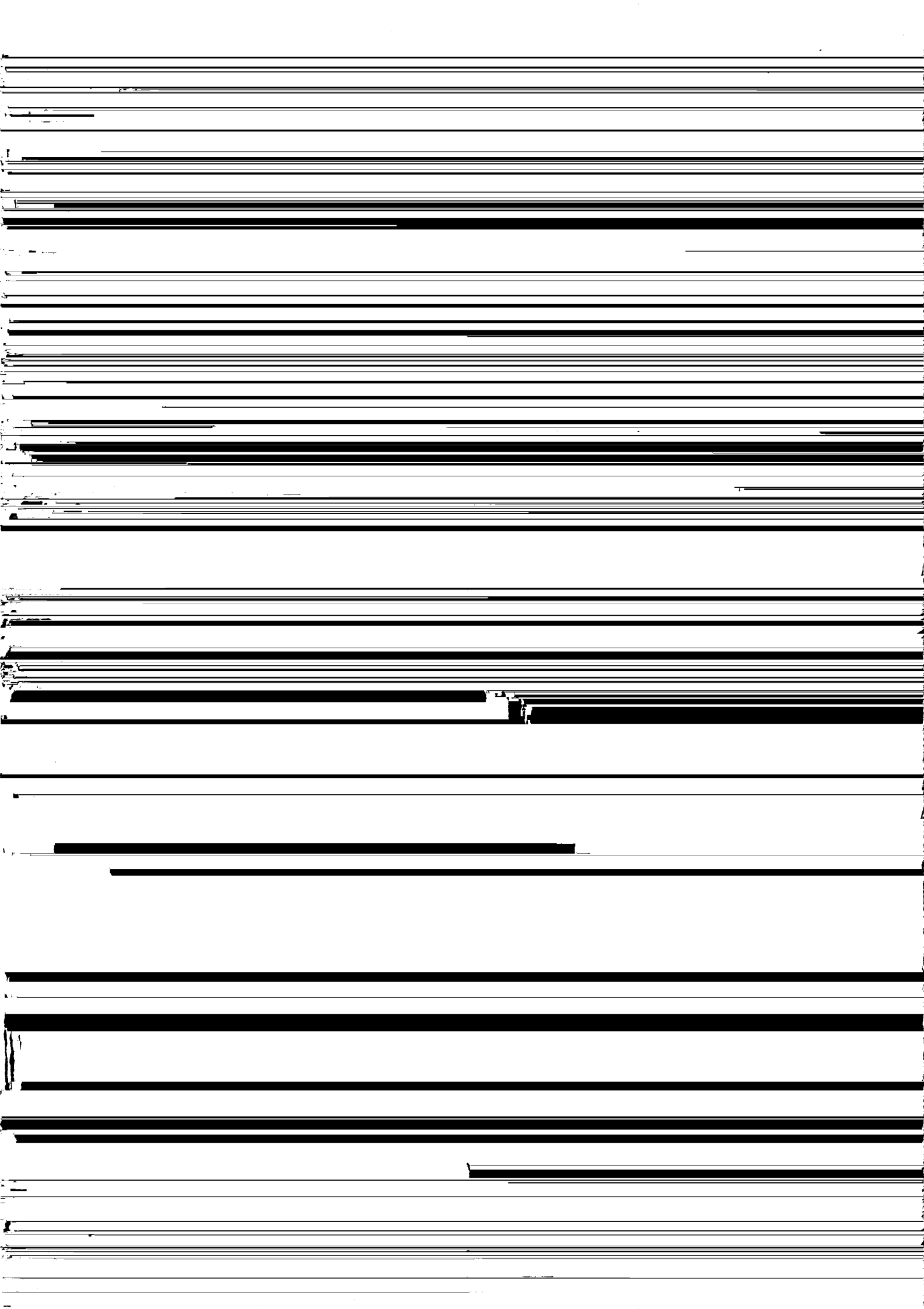
60.49/A bis

	Page
(b) Discussion.....	95
Prohibition from asking Leading Questions	97

(a) Arguments of the parties.....	97
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(b) Discussion.....	98
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A. Assignment of Counsel to Applicant	Page
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I. INTRODUCTION

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8 Akavesu was found individually criminally responsible under Article 6(1) alone. De-

[REDACTED]

(1) [REDACTED] denied of right to counsel during pre sentencing hearing on

[REDACTED]

28 September 1998:

(2) [REDACTED] denied of right to counsel during the 2 October 1998 hearing:

[REDACTED]

Case No _____

10/12/11

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... 11. (b) ... behind the approach taken by ICTY

[The page contains approximately 25 lines of text that has been almost entirely obscured by heavy black redaction bars. Only a few faint characters and line structures are visible.]

the Appeals Chamber referred to as "Other issues" he submits that the alleged irregularities

fact; and

- (4) Out-of-court evidence.

37. The Appeals Chamber indicates that several other “grounds” raised by Akayesu mainly in Chapter 13 of his brief, which also includes the eighth ground, are also grouped under the fourth

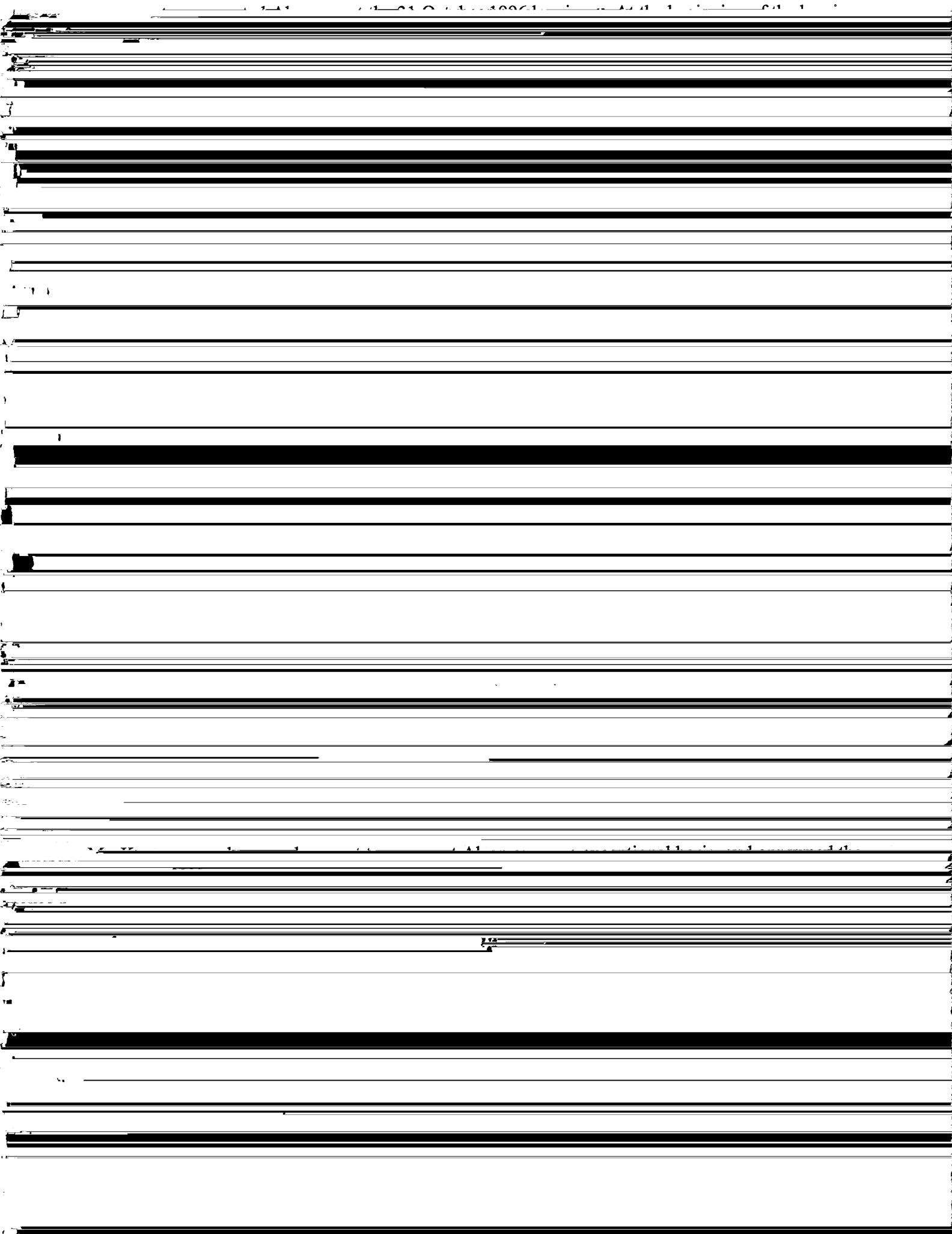
Case No.

1028/110

~~Section 1.01 of the Declaration of Condominiums is hereby amended to read as follows:~~

~~1.01 The Condominium Unit Owners Association shall be organized and operated for the purpose of maintaining, protecting and enhancing the value of the real property consisting of the units and the common elements of the Condominium Project.~~

~~1.02 The Condominium Unit Owners Association shall be organized and operated for the purpose of maintaining, protecting and enhancing the value of the real property consisting of the units and the common elements of the Condominium Project.~~



48 The trial commenced on 9 January 1997. On that same day, A1, C1, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

which he requested that his Counsel be replaced and reiterated his wish to be represented by

51. Relying on the Tribunal's case law, Akayesu contends that the right to counsel of one's own

nature",⁷⁶ any person accused of such serious crimes must be able to freely choose counsel to

nevertheless refused to entertain his requests. Akayesu submits further that he was fully capable of representing himself and that the Trial Chamber could not force him to be represented.

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65 01 11 11 11 11 11 11 11 11

the principle of equality of arms.¹⁰⁶

70. Akayesu submits that the legal tests applicable for bringing an appeal based on

6026A bis

... ..

[REDACTED]

[Redacted]

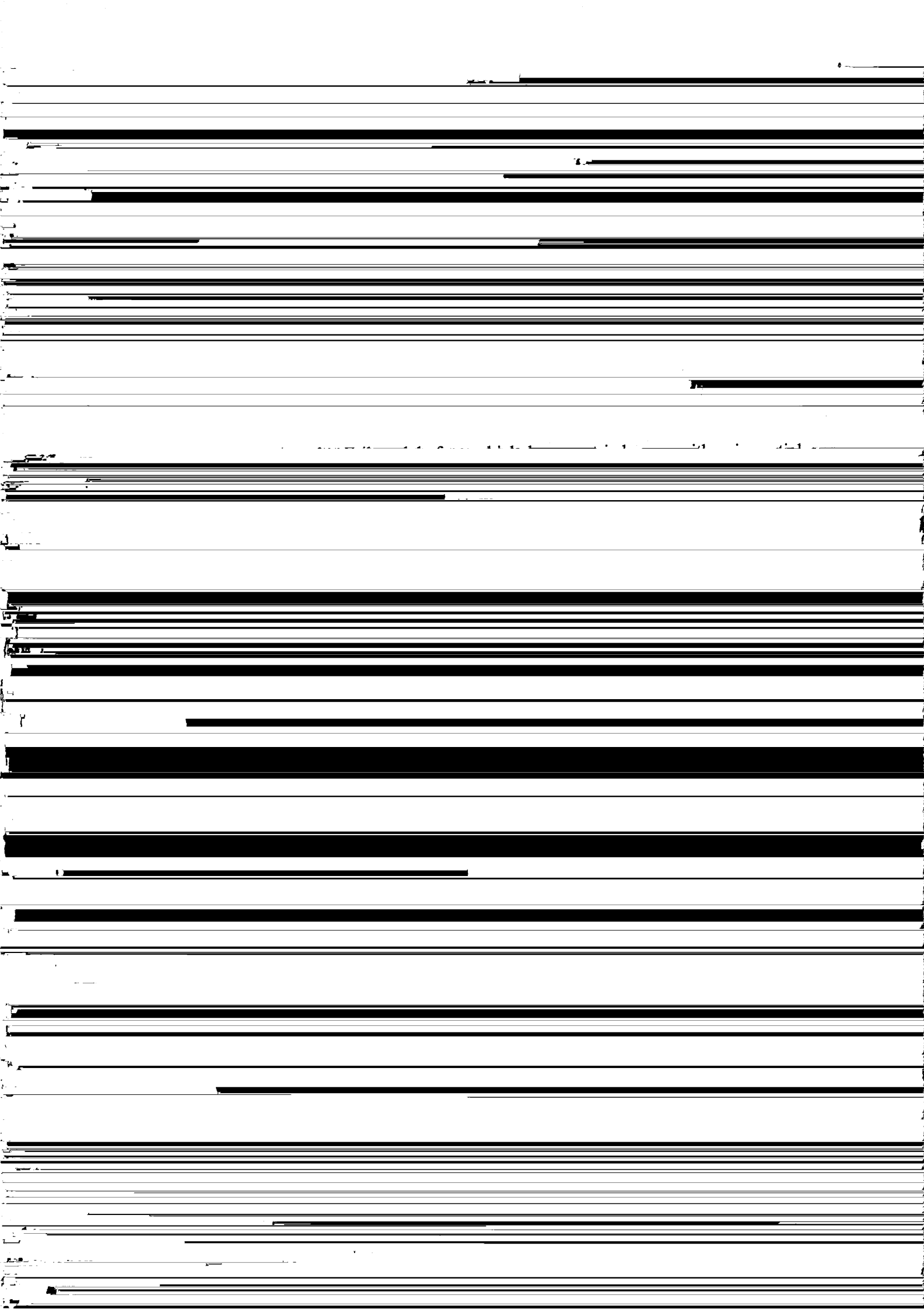
[Redacted] participated with respect to him in the status conference of

Chamber committee 1

benefit

wishes of the Appellant, in the absence of protest at the time, and barring special circumstances which

limitations of Akavesu's testimony. That the Accused did not respond to certain allegations does not constitute evidence of incompetence of his Counsel.



(i) Akayesu's submissions

90. Firstly, Akayesu submits that remarks made by the judges both in public and in private
[REDACTED] suggest a lack of impartiality on their part and constitute a violation of their duty to be independent

that
the

DO NOT WRITE IN THESE SPACES

6077/ALIS

rejects this last argument

101. Consequently, and given the inadequacy of the arguments put forward, the Appeals

11-11-11 "C...T..." 192 The amended indictment refers to events which

[REDACTED]

60151A bis

committed by The Defendant...

115. In its decision dated 17 June 1997, the Trial Chamber held that it was "convinced" that the

116. Rule 50 of the Rules as worded in June 1997 read as follows:

60121A BCS

126. In the Prosecution's submission the latter arguments concern the taking of evidence and fall

It is not the case that each and every argument in support of a ground of appeal

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

The Appeals Chamber therefore has to give a margin of deference to the Trial

Chamber's evaluation of the evidence presented at trial 249

143. Akayesu also disputes the reasons put forward by the Trial Chamber for following such a
“...” including its findings as to the impact of the length of time, the nature of the relevant

6004/AB's

147. The Appeals Chamber can find no error in this reasoning. As stated above the Appeals

Chamber finds that it is within a Trial Chamber's discretion to

testimony (and that of other witnesses) and to

6003 (A) bis

(ii) Discussion

... holds the view that issues raised here " " Consequently the

1. The Commission is authorized to provide as far as the cross examination of these

5999/ABJ

160

making a statement, the investigator who took such a statement must be called to the stand.



5997A bis

meaning of Article 24 of the Statute 315

176 ... the Appeals Chamber points out that Abayev misconstrues the provisions

Case No.

5996h 1.1

Case No.

5995/A bis

at the bureau communal he does not allow for the possibility that sexual violence may have occurred

but that he was unaware of it (Emphasis added).

14th French

_____ 1 _____ 1 _____ 1 for Alimony in answering this question 336

196. The Prosecutor refers to the general rule laid down by ICTY Appeals Chamber in the
Judgment concerning the impartiality of a judge and submits that according to

[The remainder of the page is heavily redacted with multiple thick black horizontal bars.]

questions that might have embarrassed

her.²³⁴⁶

11/11/11 Device 02000

[REDACTED]

At no time

[REDACTED]

5989/A Sir

d. The words used for rape in Kinyarwanda

146, 150, 152 and 154 of the Judgment. In paragraph 146, the

1. The source language

5987/A/W

... during the said meeting and the beginning of the killings

(emphasis added).

The Chamber considers that, regarding the allegation as formulated in paragraph 14 of the Acte

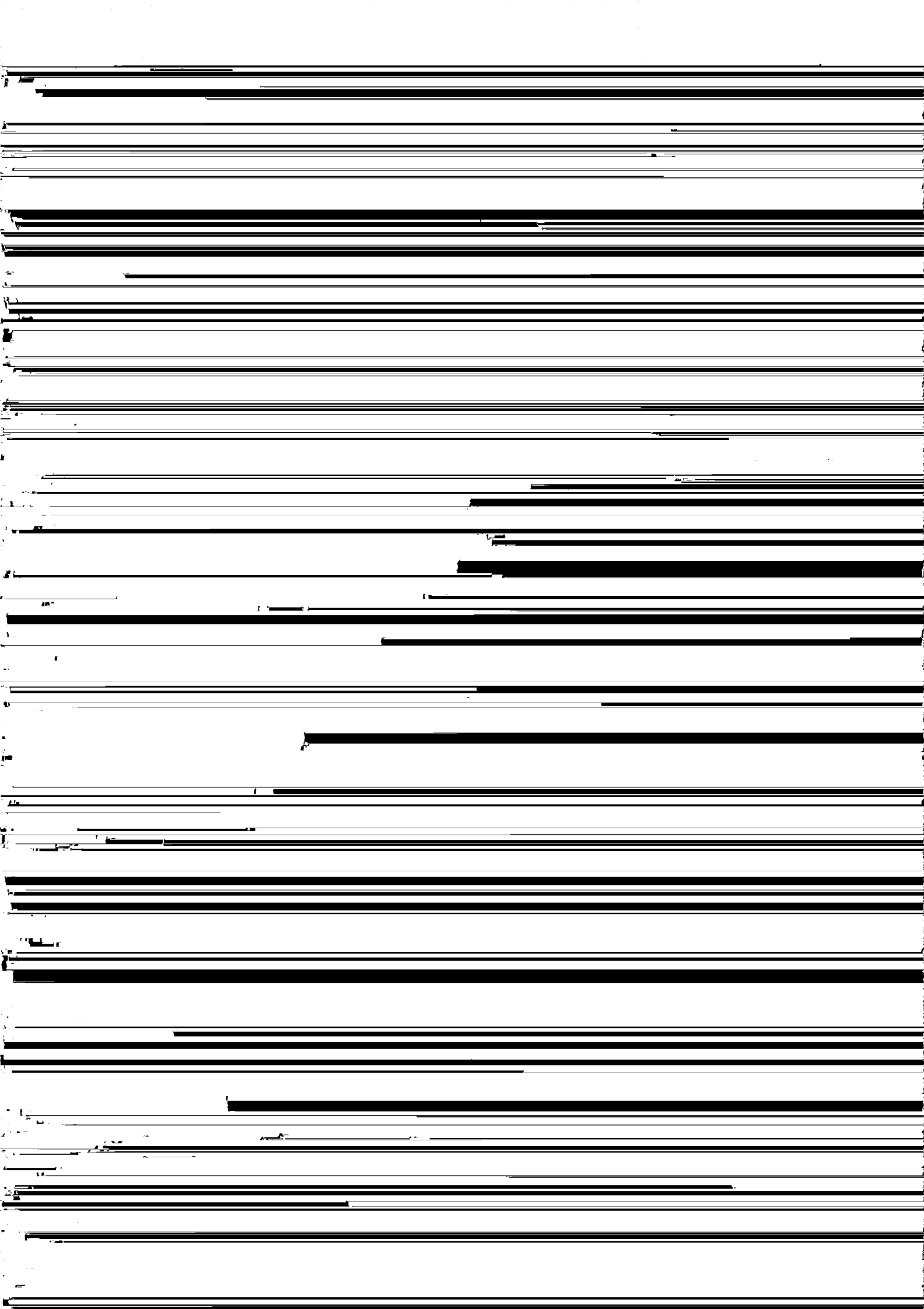
_____ (Joseph Motato) against the "beyond a reasonable doubt" standard.

S985/Abis

(i) Arguments of the parties

As cited above, three errors allegedly committed with





... and ... testimony

Case No.

2001.1.1

appeal.33 tr 100 12 (oy) 1j 10r980 1 183 442SI00G12 1 0 0 1 2

Case No.

5979/Abis

5977/Abu

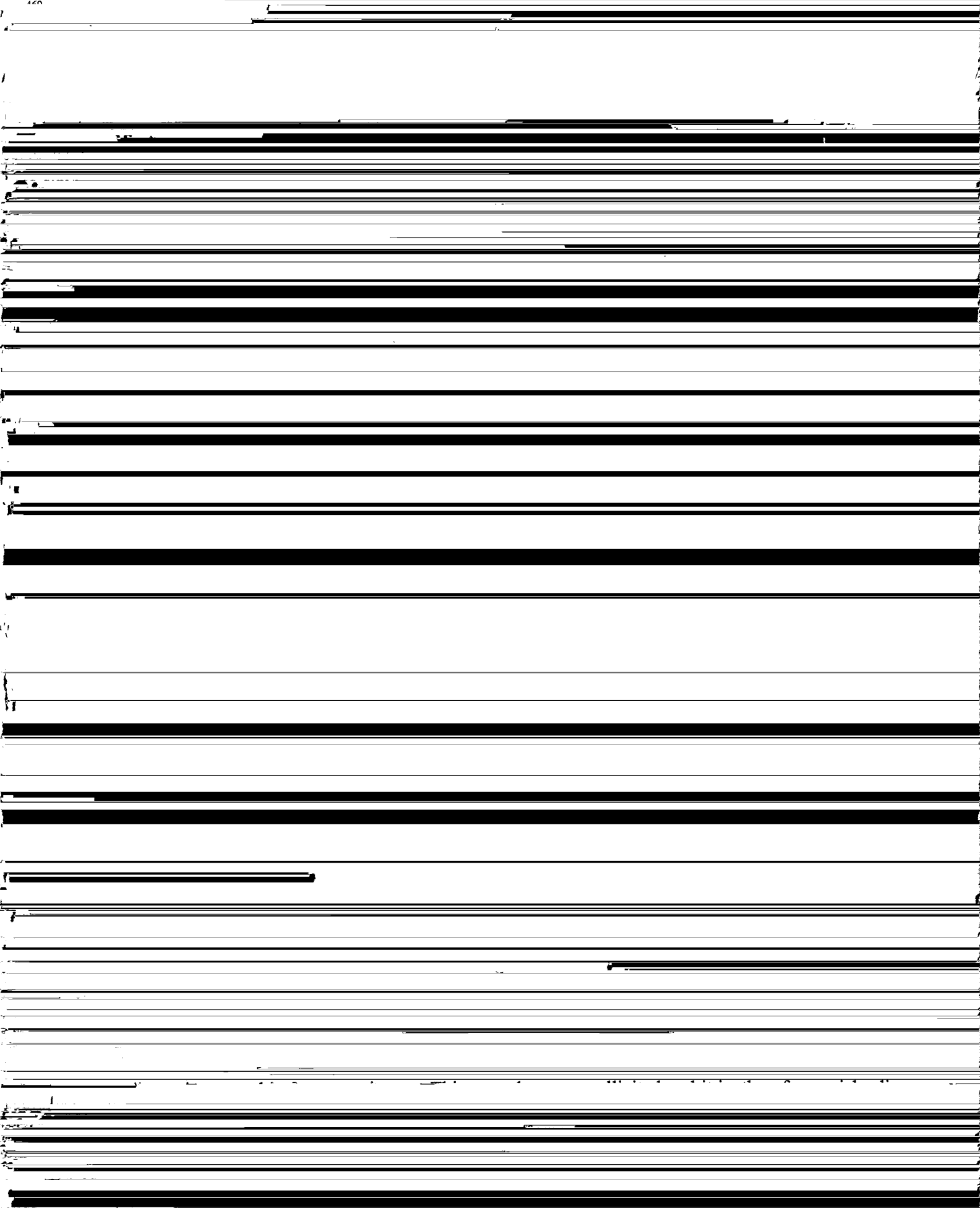
the Prosecution asserts that the presiding judge made it

5973/Abu

... evidence that the Trial Chamber relied on the

just informing you of that because that's an element which could perhaps help solve these scheduling

160



5971/Abis

277 Alvarez submits that the Trial Chamber erred in the way it treated hearsay evidence. While

submitting on the one hand that he cannot affirm that the Trial Chamber's treatment of hearsay

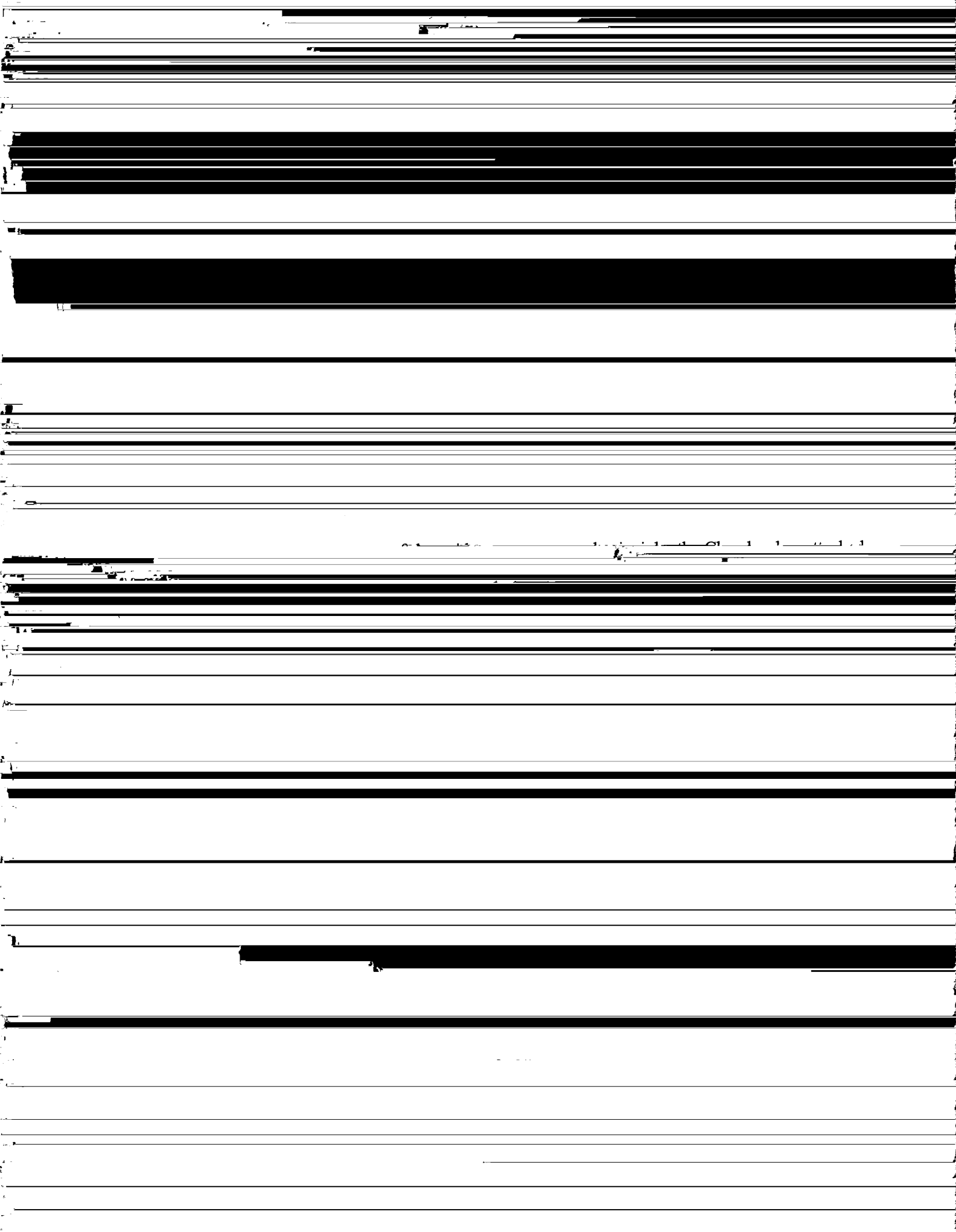
5969/A 62

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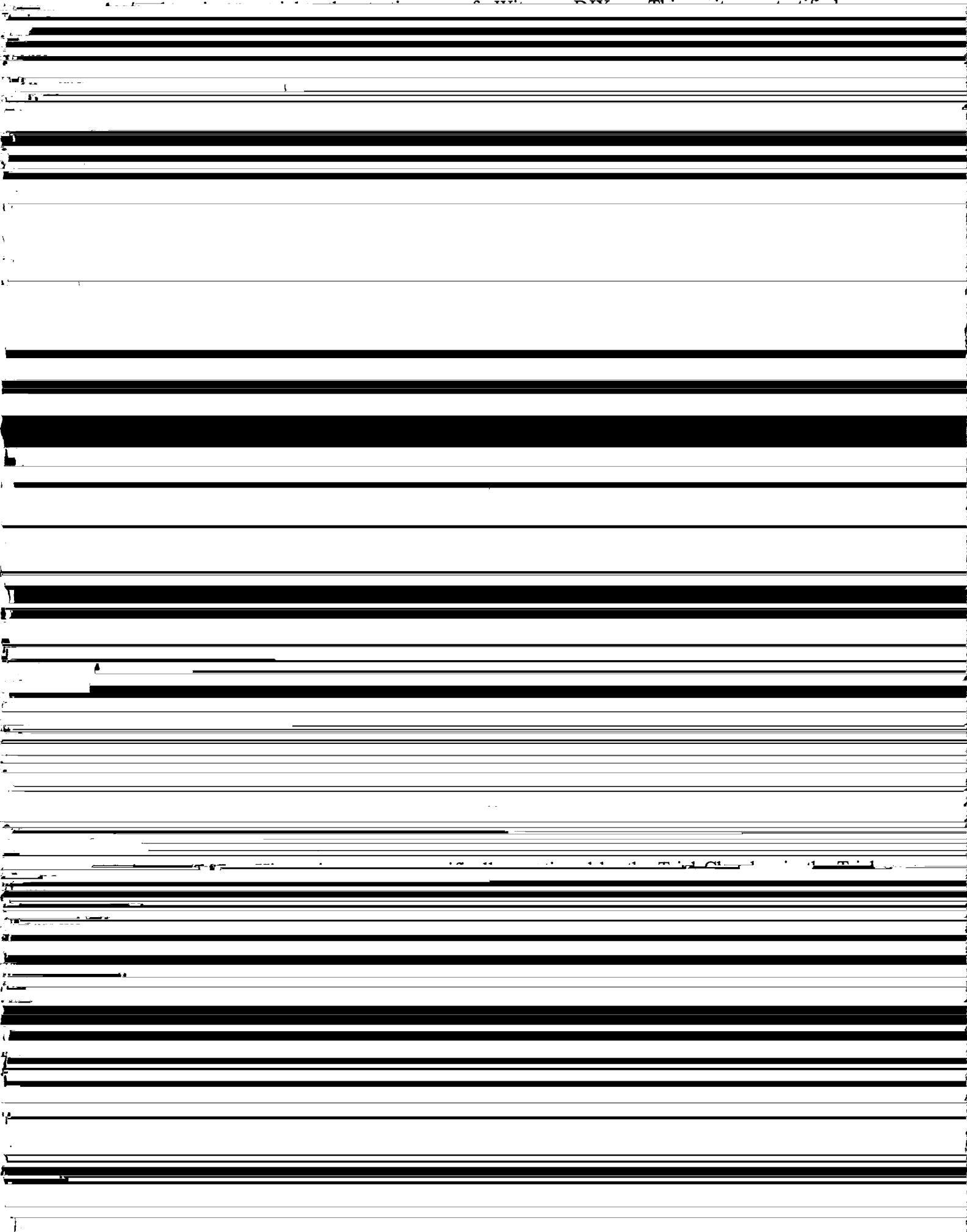
admissibility of evidence and under ICTY case law: "relevant out of court statements which a
[redacted]

59671A bis



... including the credibility and

5965/Abus



Case No. 5964/A bis
B-7-01

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Case No.

S963/1A 6/15

59621AB12

Case No.

Page 93

THE TRIAL COURT HAS CONSIDERED ALL THE EVIDENCE AND HAS CONCLUDED THAT THE TRIAL

THE TRIAL COURT HAS CONSIDERED ALL THE EVIDENCE AND HAS CONCLUDED THAT THE TRIAL

S961/A bis

312 Akavesu submits that on 14 January 1997, the Trial Chamber set strict and improper limits

facts as set out in the Indictment. He submits that such prohibition violates Article 20 of the Statute

... examination of the witness must be done

Case No.

5959/Alin

270 Two main issues will be addressed under this ground of appeal: (i) the impact (if any) of all

Case No.

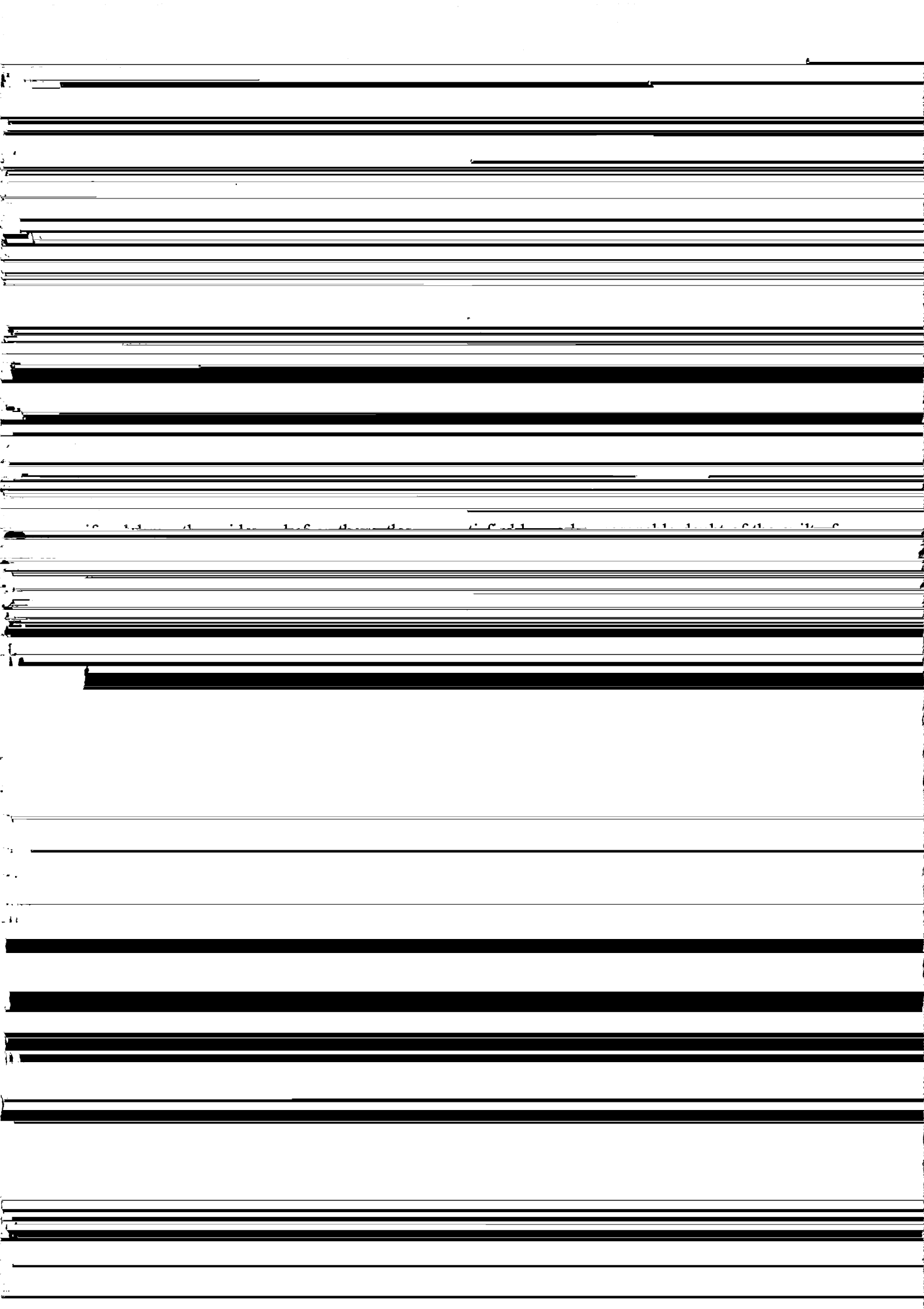
TABLE 1

1. The first section of the document is titled "Introduction" and discusses the importance of maintaining accurate records.

The following information is taken from the financial statements of the company for the year ended 31st December 2011. The company has a number of subsidiaries and the following information is taken from the consolidated financial statements.

Part

that a stay of proceedings is an exceptional remedy for a finding of abuse of process,⁶¹⁸ although,



...the whole truth and nothing but the truth?" That the witness's evidence did not fully reflect

...that had ... been ... disclosed to Alimony is no reason for Alimony to suggest that

1. The Commission requested the Appeals Chamber to rectify its

instructed to his Counsel to raise the issue of his unlawful detention in Zambia,⁶⁵³ Akayesu asserted

...before the Appeals Chamber could consider the merits of the arguments put forward. In

Case No.

50.51.1

exceeded the alleged statutory twenty-day limit. On the contrary, the Defendant's Motion

Case No.

0900121

976. A [redacted] and sentenced by the Trial Chamber on 2 September 1009 and

... to reduce considerably the sentence on all

counts.⁵⁹¹

... to set out the following sub-grounds of

5939/A bis

Chamber confirmed that Akayesu filed a Notice of Appeal against the sentence at the beginning of the hearing on appeal. The Appeals Chamber had set a time-limit for Akayesu to orally present

117

... to the Disposition's comment to the effect that Alroyou

396. Consequently, the Presiding Judge gave Akayesu the floor to present any likely mitigating
factors. He stated that he had to accept that his rights continued to be

[REDACTED]

Case No.

404 As indicated above, the Appeals Chamber has previously considered a similar situation in

[REDACTED]

Case No.

6933/65

This Chamber exercises a considerable amount of discretion (although it is not unlimited) in

411. In the circumstances, the Appeals Chamber must now determine whether, in the instant
[redacted] Trial Chamber considered the relevant factors and took due account thereof. Failing

415. Consequently, the Appeals Chamber finds that the Trial Chamber duly considered and took

into account the inherent gravity of the crimes Akayesu was convicted of and his degree of responsibility therefor

for under the applicable law of the State and if the President of the Tribunal, in consultation with

Article 1, paragraph 1, of the Statute (Article 27 of the Statute)

L. Finding on Akayesu's Appeal

422 The Appeals Chamber has considered all the arguments put forward by Akayesu, both

S9281A62
Case No.

Case No.

1997/111

[REDACTED] in relation to armed conflict would not

legislation. Hence the Director of the Department of the Interior

5925/ABU

(f) Pillage;

[REDACTED] (1) ... out of executions without previous judgment pronounced

[REDACTED]

[REDACTED]

[The page contains multiple lines of text that have been almost entirely obscured by heavy black redaction bars. Only a few faint fragments of text are visible, such as "Case No." and "A" at the top, and some illegible characters like "21" and "1" scattered throughout the page.]

discriminates against a particular victim on any of the specific grounds".⁸¹⁷ It submits that the

4 - The Appeals Chamber set aside the finding in

Case No.

1912/11/15

... be committed as part of a widespread or systematic attack against a civilian population. [...] The

- (f) Torture;
- (g) Rape;
- (h) Persecution on political, racial and religious grounds;
- (i) Other inhumane acts.

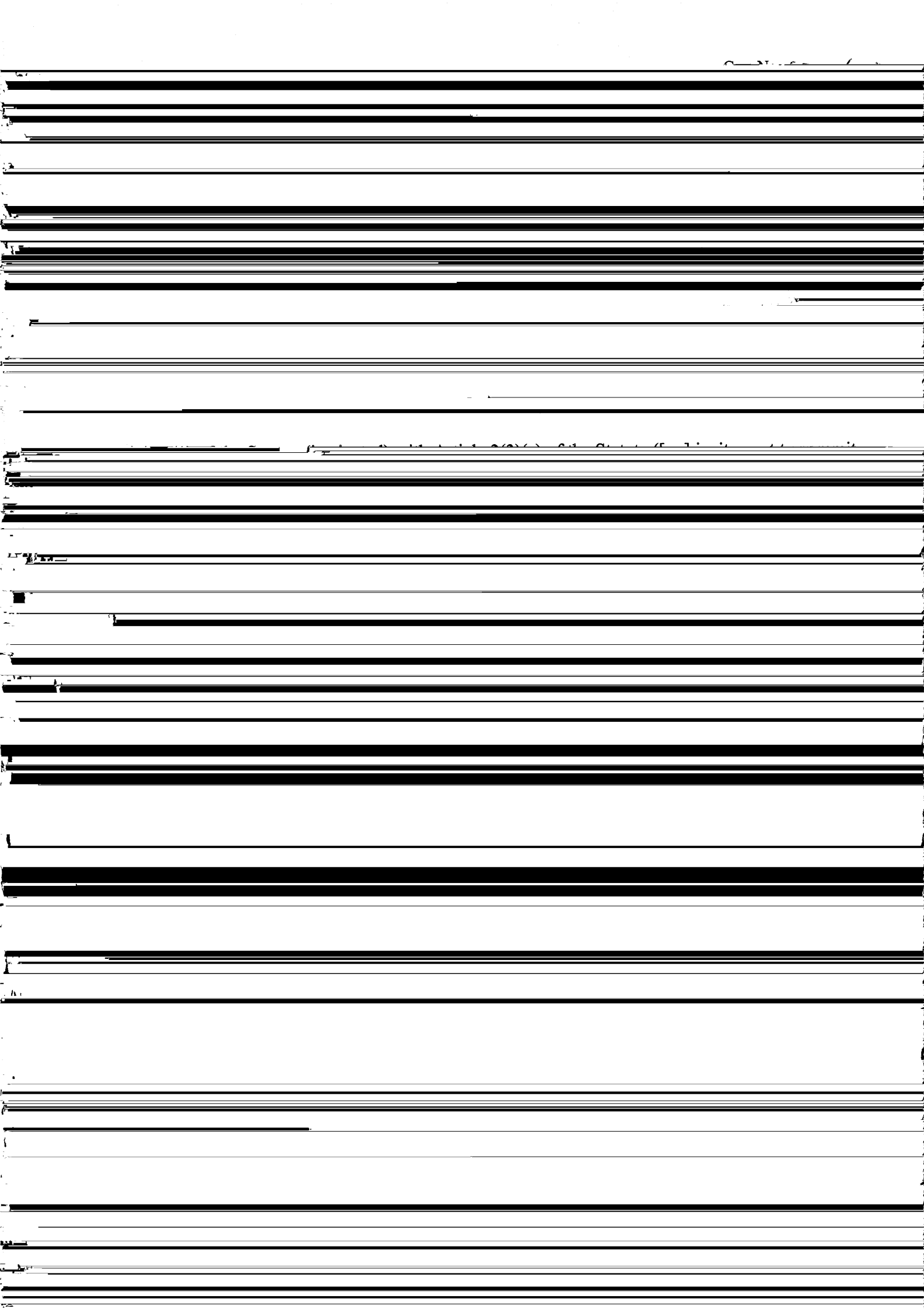
... has had occasion to consider the issue of discriminatory intent

5917/11

light of the nature of the events in Rwanda (where a civilian population was actually the target of-

(Perceptions) which reference is understood as a complement of C. It is not a complement of A.

5915/ABW



Case No.

P. 10

5912/a. b. c.

Handwritten signature

For these reasons **The Appeals Chamber.**

Faint, illegible text

ANNEX A
PROCEEDINGS ON APPEAL

19/11/2011

498 The Appeals Chamber found that although there is no provision in the Directive on

Case No.

1909/bis

... that it is hereby wished to proceed on

did not file any response to the Prosecution's Brief. Although the Prosecution filed their Brief

On 15 December 1999, the Prosecution filed

its Response on 21 December 1999 after having filed its Motion on 15 December 1999 an urgent

... (the Second Consolidated Motion) and the Prosecution filed its ...

Gravelin

Application must be dismissed since the

[REDACTED]

5903/AVL

ANNEX B

RELEVANT GROUNDS OF APPEAL

that goes to jurisdiction concerning

... 10/10/10 at the beginning of the trial had no choice

5899/Abis

... has behaved in a

The Chamber, composed of Judge Laïty Kama, Judge Navanethem Pillay, Judge Lennart

The Clerk of the Court of Appeals for the District of Columbia

5895/Abis

5. Other issues

that, about known

order disclosure.⁹⁷²

(e) Expert witnesses

On at least one occasion, a member of the Tribunal, Judge Aspegren, continued asking

Added in the Decision of 24 May 2000

At the beginning of the trial, at the hearing of 15 January 1997, Presiding Judge Laity

Case No.

5891/a LSC

... in despite the considerable and irreparable

Case No.

2000611

ANNEX C:

A. Filings of the parties

Case No.

Akayesu or Appellant

Archbold 2000

Jean-Paul Akayesu

*Archbold 2000, Criminal Pleading Evidence
and Practice (2000, Sweet and Maxwell), Eds.*

T. 1. 1. 1. 1.

Case

[Redacted text block]

Case No.

5884/Abc

11

James Kenyon et al Case No.

[REDACTED]

[REDACTED]

