

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA

Case No. ICTR-96-4-A

IN THE APPEALS CHAMBER

Before: Judge Gabrielle Kirk McDonald, Presiding  
Judge Mohamed Shahabuddeen  
Judge Lal Chand Vohrah  
Judge Wang Tieya  
Judge Rafael Nieto-Navia

Registrar: Mr. Agwu U. Okali

Date Filed: 15 October 1999

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CRIMINAL REGISTRY  
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THE PROSECUTOR

v.

JEAN-PAUL AKAYESU

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**NOTICE ABANDONING GROUND SIX (6) OF  
THE PROSECUTION'S NOTICE OF APPEAL  
DATED 2 OCTOBER 1998**

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The Office of the Prosecutor:

Mr. Upawansa Yapa  
Mr. Wen-qi Zhu  
Mr. Mathias Marcussen  
Mr. Karim Khan

Counsel for Jean-Paul Akayesu:

Mr. John Philpot  
Mr. André Tremblay

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR RWANDA

Case No. IT-96-21-A

THE PROSECUTOR

v.

JEAN-PAUL AKAYESU

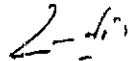
NOTICE ABANDONING GROUND SIX (6) OF  
THE PROSECUTION'S NOTICE OF APPEAL  
DATED 2 OCTOBER 1998

1. The Prosecution files this Notice to inform the Appeals Chamber, and the Respondent Jean-Paul Akayesu of its intention to abandon ground six (6) of the Prosecution's Notice of Appeal dated 2 October 1998.
2. On 2 September 1998 Trial Chamber I of the International Criminal Tribunal for Rwanda rendered its Judgement in the case of *Prosecutor v. Jean-Paul Akayesu*. The Trial Chamber found the accused, Jean-Paul Akayesu, guilty on counts 1,3,4,5,7,9,11,13,14 and not guilty on counts 2,6,8,10,12 and 15.
3. On 2 October 1998, the Prosecution filed its Notice of Appeal against the Judgement of the Trial Chamber, pursuant to Article 24 of the Statute of the International Criminal Tribunal for Rwanda and Rule 108 of the Rules of Procedure and Evidence.

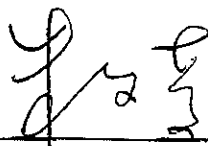
4. The Prosecution's Notice of Appeal raised seven (7) substantive grounds of appeal. The sixth ground of appeal in the Prosecution's Notice stated that:

"The Trial Chamber erred in law in holding that an accused, to be found responsible for planning under Article 6(1) must have planned the crime with the perpetrator of the crime (paragraph 472 "... planned with them [i.e. the principal] ...")"<sup>1</sup>

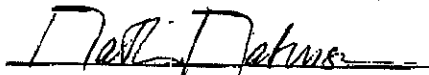
5. In preparation of the appeal and after a full review of the Trial Chamber's Judgement, it is no longer the Prosecution's intention to proceed with this ground of appeal, and therefore files this Notice abandoning the Prosecution's sixth ground of appeal. This ground of appeal is not related to any other ground of appeal and does not alter the Prosecution's intention to proceed with the other grounds as set out in the Notice of Appeal.
6. The Prosecution hereby notifies the Appeals Chamber and the Respondent Jean-Paul Akayesu that the Prosecution no longer raises the error as alleged in ground six (6) of the Notice, and therefore there will be no argument in relation to ground six (6) in the Appeal Brief of the Prosecution.
7. It is submitted that abandoning this ground of appeal will result in no prejudice to the Respondent as he is no longer placed in jeopardy on the basis of the alleged error.



Upawansa Yapa  
Senior Appeals Counsel



Wen-qi Zhu  
Legal Advisor



Mathias Marcussen  
Legal Advisor



Karim Khan  
Legal Advisor

Dated this 14th day of October 1999  
At The Hague, The Netherlands

<sup>1</sup> Prosecution's Notice of Appeal, 2 October 1998.