

UNITED
NATIONS



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

Case No: ICTR-98-37-I

Date: 23 April 1998

Original: English

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

Order of: 23 April 1998

PROSECUTOR

v.

THÉONESTE BAGOSORA AND 28 OTHERS

SCHEDULING ORDER

EX PARTE

The Prosecutor:

Louise Arbour

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 ("International Tribunal for Rwanda"),

NOTING that the Prosecutor in her *ex parte* Notice of Appeal ("Notice") filed on 6 April 1998, is seeking to appeal from the Decision of Judge Tafazzal Hossain Khan ("Decision"), dated 31 March 1998, in which he dismissed the indictment against Théoneste Bagosora and 28 Others, filed on 6 March 1998, following an *ex parte* review pursuant to Rule 47 of the Rules of Procedure and Evidence of the International Tribunal for Rwanda ("Rules"),

NOTING that the Prosecutor in her Notice requests the Appeals Chamber to stay any proceedings under Rules 84, 85 and 86 of the Rules, in relation to existing indictments affecting accused persons named in the above mentioned indictment ("Request to stay the proceedings"),

NOTING that the Notice is based on Article 24 of the Statute of the International Tribunal for Rwanda and Rule 108 of the Rules,

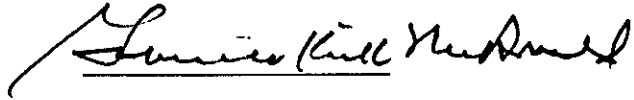
NOTING FURTHER that the present Order in no way constitutes a determination that the Appeals Chamber has competence in this matter,

HEREBY ORDERS that within seven days of the date of this Order the Prosecutor shall submit a written brief addressing the question of whether an appeal lies from the Decision,

AND FURTHER ORDERS that, on submission of the brief, the question referred to shall be decided expeditiously by this Chamber without oral argument,

DENIES the Prosecutor's Request to stay the proceedings.

Done in both English and French, with the English text being authoritative.



Gabrielle Kirk McDonald
Presiding Judge

Dated this day of 23 April 1998
At The Hague
The Netherlands.

[Seal of the Tribunal]

