

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-97-34-A

Date: 20 May 1999

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: 20 May 1999

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GRATIEN KABILIGI

v.

THE PROSECUTOR

SCHEDULING ORDER

Counsel for the Appellant:

Mr. Jean Yaovi Degli

The Office of The Prosecutor:

Mr. David Spencer
Mr. William Egbe
Mr. Chile Eboe-Osuji
Mr. Mathias Marcussen

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 MOI
NAME / NOM: *Dr. MINAUA K. M. Antonine*
SIGNATURE: *[Signature]* DATE: *21.05.1999*

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 1994 and 31 December 1994 ("the Appeals Chamber" and "Tribunal", respectively),

NOTING the "Decision on the Defence Motion to Lodge Complaint and Open Investigations into Alleged Acts of Torture under Rules 40 (C) and 73 (A) of the Rules of Procedure and Evidence" ("Decision I"), filed on 6 October 1998, dismissing a Defence motion to open an investigation into Defence allegations of torture and other cruel, inhuman or degrading treatment or punishment inflicted on the Accused, Gratién Kabiligi ("Appellant") by the investigators ("Defence Motion");

NOTING the "Notice of Appeal" from Decision I, filed by the Appellant on 13 October 1998 ("Notice of Appeal");

NOTING the "Prosecutor's Response to Defence's Appeal of the Decision on Defence Motion to Lodge Complaint and Open Investigations into Alleged Acts of Torture under Rules 40 C and 73 of the Rules of Procedure and Evidence", filed on 24 November 1998;

NOTING the "Decision Rejecting Notice of Appeal" by the Appeals Chamber, filed on 21 December 1998 ("Decision II");

NOTING, however, the letter of the Defence addressed to the Registrar of the Tribunal, dated 1 January 1999 and filed on 4 January, together with a "Mémoire d'appel interjeté par la défense à l'encontre de la décision du 5 octobre 1998 rendue par la 2ème chambre de première instance du TPIR" ("Mémoire");

NOTING, further, the letter of Mr. Degli, Counsel for the Appellant, addressed to the Appeals Chamber, dated 19 January 1999 and filed on 9 March;

CONSIDERING that, at the time when Decision II was issued by the Appeals Chamber, the Appellant had not received a copy of Decision I in a language that he understood;

CONSIDERING that every accused before the Tribunal is entitled to a fair trial and to be informed in a working language which he understands of any decision taken in respect of his case;

HEREBY DECIDES to re-open this appeal and directs the Registrar to immediately provide the Appellant with a copy of every document relating to his appeal which has not yet been transmitted to him in a language he understands, including Decisions I and II;

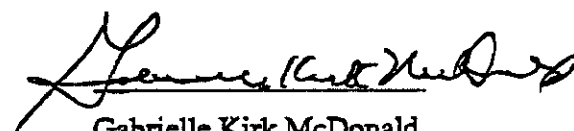
ACCEPTS as the Mémoire an Appellant's brief;

ORDERS as follows:

- 1) the Appellant may file a further brief on this matter by 2 June 1999;
- 2) the Respondent may file a response to the Appellant Brief or Briefs by 16 June 1999,

After which the Appeals Chamber will render its decision in this matter.

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


Gabrielle Kirk McDonald
Presiding Judge

Dated this twentieth day of May 1999
At The Hague,
Netherlands.



[Seal of the Tribunal]