



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-97-19-A

Date: 3 June 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

**Decision of:** 3 June 1999

**JEAN-BOSCO BARAYAGWIZA**

v.

**THE PROSECUTOR**

**SCHEDULING ORDER**

**Counsel for the Appellant:**

Mr. J.P. Lumumba Nyaberi

**The Office of the Prosecutor:**

Mrs. Jane Anywar Adong

Mr. William Egbe

Mr. Chile Eboe-Osuji

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
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NAME / NOM: <i>Dr. MINANA K. M. Antoine</i>	
SIGNATURE: <i>[Signature]</i>	DATE: <i>03.06.1999</i>

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**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 ("the Appeals Chamber" and "the Tribunal", respectively);

**NOTING** the "Decision on the Extremely Urgent Motion by the Defence for Orders to Review and/or Nullify the Arrest and Provisional Detention of the suspect" of Trial Chamber II, undated but filed on 17 November 1998 ("the Decision"); and noting that the Decision was dated 17 November 1998 by a Corrigendum dated 24 November 1998 and filed on 25 November 1998;

**NOTING** the "letter of the Appellant to the President of the Appeals Chamber dated 27 November 1998," received on 4 December 1998 but filed on 8 December 1998, whereby the Appellant indicated his intention to appeal against the Decision;

**NOTING** the Appellant's "Notice of Appeal" and "Memorandum of Appeal", both dated 27 November 1998, received on 10 December 1998 but filed on 11 December 1998 pursuant to Article 24 of the Statute of the International Tribunal and Rules 72, 107 and 108 of the Rules of Procedure and Evidence as amended ("the Rules");

**NOTING** the "Prosecutor's Response to Defence's Appeal of the Decision of Trial Chamber II on the Extremely Urgent Motion by the Defence for Orders to Review and/or Nullify of the Arrest and Provisional Detention of the suspect (17 November 1998)", dated and filed on 14 December 1998, and the "Prosecutor's Motion to Reject the Defence Appeal of the Decision of Trial Chamber II" dated 15 December 1998 and filed on 18 December 1998;

**NOTING** the "Rejoinder to the Prosecutor's Response to the Defence's Appeal from the Decision of Trial Chamber II on the Defence Motion to Review and/or Nullify the Arrest and Provisional Detention of the Suspect Jean-Bosco Barayagwiza", dated 17 December 1998 and filed on 20 April 1999 (the French original filed on 28 December 1998);

**NOTING** the "Defence Memorial in Support of the Accused Person's Appeal of the Decision of Trial Chamber II on the Extremely Urgent Motion by the Defence for Orders to Review and/or Nullify the Arrest and Provisional Detention of the Suspect," dated 29 January 1999 and filed on 2 February 1999;

**NOTING** the "Decision and Scheduling Order" of the Appeals Chamber, dated and filed on 5 February 1999;

**NOTING** the "Defence Written Brief in compliance of the 'Decision and Scheduling Order' of the Appeals Chamber dated 15 February 1999 and filed on 18 February 1999;

**NOTING** the Appellant's "Application for leave to supplement, add to or amend the brief as a result of delayed receipt of the French version of the decision rendered on 5 February 1999", dated 19 February 1999 and filed on 23 March 1999 (French original filed on 19 February 1999);

**NOTING** the "Prosecutor's Provisional Memorial (Pursuant to the Scheduling Order of the Appeals Chamber made on 5 February 1999)", dated 16 February 1999 and filed on 22 February 1999;

**NOTING** the "Amended Version of the Appellant's Brief", dated 15 February 1999 (and corrected on 23 February 1999), filed on 13 April 1999 (French original filed on 25 February 1999);

**CONSIDERING** that the Appeals Chamber needs additional information to decide the appeal;

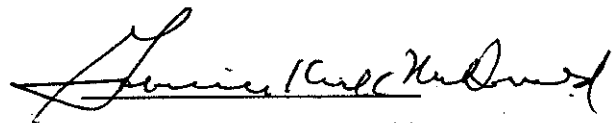
**HEREBY ORDERS** the Prosecutor to address the following questions and provide the Appeals Chamber with all relevant documentation;

- 1) Whether the Appellant was held in Cameroon for any period between 21 February 1997 and 19 November 1997 at the request of the Tribunal, and if so, what effect did this detention have in relation to personal jurisdiction.

- 2) Whether the Appellant was held in Cameroon for any period between 23 February 1998 and 11 September 1998 at the request of the Tribunal, and if so, what effect did this detention have in relation to personal jurisdiction.
- 3) The reason for any delay between the request for transfer and the actual transfer.
- 4) The reason for any delay between the transfer of the Appellant to the Tribunal and his initial appearance.
- 5) The reason for any delay between the initial appearance of the Appellant and the hearing on the Appellant's urgent motion.
- 6) The disposition of the *writ of habeas corpus* that the Appellant asserts that he filed on 2 October 1997.

The written submissions of the Prosecutor shall be filed not later than 22 June 1999. The Appellant shall be given an opportunity to respond to the Prosecutor's written submissions pursuant to this Scheduling Order; such submissions shall be filed no later than 6 July 1999.

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



Gabrielle Kirk McDonald

Presiding Judge

Dated this third day of June 1999

At Arusha

Tanzania



[Seal of the Tribunal]