



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-AR72

Date: 25 November 1999

ENGLISH

Original: French

IN THE APPEALS CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Lal Chand Vohrah
Judge Mohamed Shahabuddeen
Judge Wang Tieya
Judge Rafael Nieto-Navia

Registrar: Mr. Agwu U. Okali

Decision of: 25 November 1999

1999 NOV 26 P 1:47
COMPLIMENT
RECEIVED

JEAN-BOSCO BARAYAGWIZA

v.

THE PROSECUTOR

ORDER

Counsel for the Appellant:
Mr. Justy P. L. Nyaberi

The Office of the Prosecutor:
Madam Carla Del Ponte

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *Felicia T. Almandoffe*
SIGNATURE: *[Signature]* DATE: *26/11/99*

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 given by the Appeals Chamber in this matter on 3 November 1999 ("the Decision");

CONSIDERING that item (3) of the Disposition in the Decision was intended to be subject to item (4) thereof;

NOTING the following documents filed with the Registry since the delivery of the Decision (together, "the Motions"):

- (a) the "Notice of Review and Stay of Dispositive Order no.4 of the Decision of the Appeals Chamber dated 3rd November, 1999" filed by the Appellant on 5 November 1999;
- (b) the "Prosecutor's Response to Appellant's Notice of Review and Stay of Dispositive Order no. 4 of the Appeals Chamber Decision Rendered on 3 November 1999, in *Jean-Bosco Barayagwiza v. the Prosecutor*" filed on 13 November 1999;
- (c) the "Withdrawal of the Defence 'Notice of Review and Stay of Dispositive Order no.4 of the Decision of the Appeals Chamber dated 3rd November, 1999', dated on 5th November 1999" filed by the Appellant on 18 November 1999;
- (d) the "Notice of Intention to File Request for Review of Decision of the Appeals Chamber of 3 November 1999 (Rule 120 of the Rules of Procedure and Evidence of the International Criminal Tribunal for Rwanda)" filed by the Prosecutor on 19 November 1999;

(e) the "Request by the Government of the Republic of Rwanda for Leave to Appear as *amicus curiae* pursuant to Rule 74" filed by the Government of Rwanda on 19 November 1999;

HEREBY ORDERS as follows:

- 1) item (3) of the Disposition in the Decision shall be read as subject to item (4) thereof;
- 2) the Decision is stayed pending the filing of the Prosecutor's Request for Review, such stay to expire on the 7th day following this Order if the Prosecutor has not filed her Request for Review;
- 3) all other Motions shall be dealt with after the expiration of the period provided for filing of the Prosecutor's Request for Review;
- 4) the Registrar shall send a copy of this Order to the Government of the Republic of Rwanda.

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

(signed)

Claude Jorda
Presiding Judge

Dated this twenty-fifth day of November 1999
At The Hague
The Netherlands.



{Seal of the Tribunal}