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ICTR APPEALS

005/008



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: 8 December 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:** 8 December 1999

**JEAN-BOSCO BARAYAGWIZA**

v.

**THE PROSECUTOR**

### ORDER

**Counsel for the Appellant:**  
**Mr. Justry 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: <i>Felicite Taku Ahomondjhu</i>	
SIGNATURE: <i>[Signature]</i>	DATE: <i>8/12/99</i>

Case No. ICTR-97-19-AR72

8 December 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 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");

**NOTING** 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;

**NOTING** the Order issued by the Appeals Chamber on 25 November 1999 which, for the reasons given therein, ordered a stay of the Decision;

**NOTING** the "Extremely Urgent Appellant's Response to the Prosecutor 'Notice on Intention to File Request for Review of Decision of the Appeals Chamber of 3 November 1999'" filed on 24 November 1999 and received by the Appeals Chamber on 25 November 1999;

**NOTING** the letter from the Appellant to the President of the Appeals Chamber concerning the Appeals Chamber Order of 25 November 1999, filed on 27 November 1999, which states that it was copied to the Prosecutor;

**NOTING** the "Prosecutor's Motion for Review or Reconsideration of the Appeals Chamber Decision rendered on 3 November 1999 in *Jean-Bosco Barayagwiza v. the Prosecutor* and Request for Stay of Execution", filed on 1 December 1999 ("the Motion for Review");

**ORDERS** as follows:

- 1) The stay ordered by the Appeals Chamber on 25 November 1999 shall continue pending further order;

- 2) Until further ordered, the Appellant shall be held in custody on the same basis on which he was held immediately before the Decision;
- 3) Within 7 days from the date of this Order, the Prosecutor may file copies of any statements relating to new facts on which she relies in her Motion for Review which have not yet been filed;
- 4) Within 14 days from the expiration of the 7 days referred to in paragraph (3) above, the Appellant may file a response to the filings of the Prosecutor;
- 5) Within 7 days from the expiration of the 14 days referred to in paragraph (4) above, the Prosecutor may file a reply to any response filed by the Appellant;
- 6) The Appeals Chamber will then issue a scheduling order setting a date for oral arguments as to:
  - a) whether the Prosecutor's Motion for Review should or should not be granted, and if so
  - b) whether the relief sought by the Prosecutor should or should not be granted,the likely date of any oral hearing being in the course of a session which the Appeals Chamber will hold in Arusha from 15 to 20 February 2000;
- 7) At the said oral hearing, the Government of Rwanda may appear as *amicus curiae* with respect to the modalities of the release of the Appellant, if this question is reached.

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

(signed)

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Claude Jorda  
Presiding Judge

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ICTR APPEALS

008/008

Dated this eighth day of December 1999  
At The Hague  
The Netherlands.

[Seal of the Tribunal]

