

**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-97-20-A

Date: 8 December 1999

Original: English

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

Order of: 8 December 1999

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LAURENT SEMANZA

v.

THE PROSECUTOR

DECISION AND SCHEDULING ORDER

Counsel for the Appellant:
Mr. Andre Dumont

The Office of the Prosecutor:
Mr. David Spencer
Mr. Frederic Ossogo

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *Felicien T. Akomandoko*
SIGNATURE: *Felicien T. Akomandoko* DATE: *8/12/99*

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 "Notice of Appeal filed under Article 24 of the Statute and Rules 72(B), (D) and (E) of the Rules of Procedure and Evidence" filed in French by Laurent SEMANZA ("the Appellant") on 12 October 1999 ("the Notice of Appeal");

NOTING the "Prosecutor's Response to the Notice of Appeal by the Defence from the Decision of 6 October 1999 rendered by Trial Chamber III on the Defence Motion to set aside the arrest and detention of Semanza as unlawful", filed in French on 28 October 1999, and the "Mémoire préalable a l'appui de l'Acte d'Appel du 12 octobre 1999 contre l'ordonnance du 6 octobre 1999 de la Chambre de première instance III relative a la Requête de la Défense en annulation de la procédure d'arrestation et de détention de Laurent Semanza pour cause d'illégalité", filed on 12 November 1999;

NOTING the "Prosecutor's Request to Supplement the Record on Appeal" filed on 9 November 1999, in which the Prosecutor requests permission for both parties to supplement their filings in connection with the instant appeal in light of the Appeals Decision in the case of *Barayagwiza v. The Prosecutor* ("the Prosecutor's Request"), and the "Defendant's Reply in Opposition to Prosecutor's Request to Supplement the Record on Appeal" filed by the Appellant on 11 November 1999;

NOTING that the Notice of Appeal is filed pursuant to Rule 72(D) of the Rules of Procedure and Evidence of the Tribunal ("the Rules"), which is governed by Rule 108(B) of the Rules;

NOTING that pursuant to Rule 117(A) of the Rules such appeals shall be heard expeditiously on the basis of the original record of the Trial Chamber and without the necessity of any brief;

NOTING FURTHER that pursuant to Rule 115 of the Rules the Appeals Chamber shall authorise the presentation of additional evidence which was not available to the moving party at the trial if it considers that the interests of justice so require;

CONSIDERING that there is need for more specific information on the additional evidence sought to be adduced;

ORDERS as follows:

- 1) Within 7 days of the date of this Order, the Prosecutor shall file a brief specifying the additional evidence which she wishes to present before the Appeals Chamber, and addressing the questions of availability of the evidence at first instance and the interests of justice;
- 2) Within 14 days of the date of this Order, the Appellant may file a response to the Prosecutor's brief;
- 3) The Appeals Chamber will then rule on the issue of additional evidence and make any further orders.

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

s/

Claude Jorda
Presiding Judge

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

[Seal of the Tribunal]

