



UNITED NATIONS
NATIONS UNIES



**Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda**

IN THE APPEALS CHAMBER

Before: Judge Claude JORDA, Presiding
Judge Lal Chand VOHRAH
Judge Mohamed SHAHABUDEEN
Judge WANG Tieya
Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu U OKALI

Decision of: 14 January 2000

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ICTR
REGISTRY
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Laurent SEMANZA

v

THE PROSECUTOR

Case No: ICTR-97-20-A

ORDER

(PROSECUTOR'S REQUEST TO SUPPLEMENT THE RECORD ON APPEAL)

Counsel for the Appellant
Mr Andre Dumont

Counsel for the Prosecutor
Mr. David Spencer
Mr. Frederic Ossogo

<p>International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda</p> <p>CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIEE CONFORME A L'ORIGINAL PAR NOUS</p> <p>NAME / NOM: <i>Felicia T. Alford</i></p> <p>SIGNATURE: <i>[Signature]</i> DATE: <i>15.1.2000</i></p>
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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 “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 by Laurent SEMANZA (“the Appellant”) on 12 October 1999;

NOTING the “Prosecutor’s Request to Supplement the Record on Appeal” filed on 9 November 1999, in which the Prosecutor applies to present additional evidence before the Appeals Chamber (“the Prosecutor’s Request”);

NOTING the Appeals Chamber’s “Decision and Scheduling Order” issued on 8 December 1999 (“the Order”);

NOTING the documents filed by the parties pursuant to the Order, namely, the “Prosecutor’s Brief in Response to the Appeals Chamber’s Decision and Scheduling Order of 8 December 1999” filed on 15 December 1999 (“the Prosecutor’s Response to the Order”), the “Respondent /Appellant’s Brief in Response to the Appeal Chamber’s Decision and Scheduling Order of 8 December 1999” filed on 21 December 1999, and the “*Réponse au mémoire du Procureur daté du 15 novembre 1999 et communiqué à l’appelant les 16 et 17 novembre 1999*” filed on 22 December 1999 in which the Appellant requests, *inter alia*, a French translation of the Prosecutor’s Response to the Order and reserves his right to make further submissions upon receipt of the same;

NOTING that, *inter alia*, the Prosecutor contends that evidence which was in fact available at the hearing before the trial Chamber is not in law to be regarded as available on the ground that, as she submits, no issue relating to that evidence arose at that hearing;

RESERVING its decision on the admissibility of the additional evidence sought to be presented;

ORDERS as follows:

- 1) The Prosecutor may proceed on the basis of the additional evidence cited in the Prosecutor's Brief subject to any opposing arguments which the Defence may make at the hearing both as to admissibility of the evidence and as to its weight;
- 2) The Prosecutor shall file a Response ("the Prosecutor's Response") to the Brief in support of the Notice of Appeal filed by the Appellant on 12 November 1999¹ by 21 January 2000;
- 3) The Appellant may reply to the Prosecutor's Response within 7 days of delivery of the French version of the Prosecutor's Response;
- 4) The hearing in this matter shall take place on Wednesday 16 February 2000 according to the following schedule:

0930 – 1030	Appellant's submissions (1 hour)
1030 – 1100	mid-morning break (30 minutes)
1100 – 1200	Appellant's submissions continued (1 hour)
1200 – 1330	Lunch break (1 ½ hours)
1330 – 1430	Prosecutor's response (1 hour)
1430 – 1500	Mid-afternoon break (30 minutes)
1500 – 1600	Prosecutor's response continued (1 hour)
1600 – 1700	Appellant's reply (1 hour)

¹ "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 à la requête de la défense en annulation de la procédure d'arrestation et de détention de Laurent Semanza pour cause d'illégalité"

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

(signed)

Claude JORDA
Presiding Judge

Dated this fourteenth day of January 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]

