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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-97-23-A  
19-4-2000  
(269-265)

IN THE APPEALS CHAMBER

Before: Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu U OKALI

Order of: 19 April 2000

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Jean KAMBANDA

(Appellant)

v

THE PROSECUTOR

(Respondent)

Case No.: ICTR-97-23-A

**ORDER**

(APPELLANT'S MOTION FOR ADMISSION OF NEW EVIDENCE)

Counsel for the Appellant

Mr Tjarda Eduard van der SPOEL  
Mr Gerard P M F MOLS

Counsel for the Prosecutor

Mr Solomon LOH

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

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NAME / NOM: Félicité Tahir Abouandoghe  
SIGNATURE: [Signature] DATE: 19-4-2000

I, Rafael NIETO-NAVIA, Pre-Hearing Judge in this matter,

NOTING the Order issued by 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), on 7 March 2000 which set the time limits for the filing of briefs by the parties (the "Scheduling Order");

NOTING the "Provisional Appellant's Brief" filed by Jean KAMBANDA (the "Appellant") on 30 March 2000 (the "Appellant's Brief") in accordance with the Scheduling Order;

NOTING the "Appellant's Motion for Admission of New Evidence on Appeal" filed by the Appellant on 30 March 2000 (the "Appellant's Motion"), and the request in the Motion that time limits for appeal be suspended pending a decision of the Tribunal;

NOTING the "Prosecution's Response to Appellant Jean Kambanda's Motion for Admission of New Evidence on Appeal pursuant to Rules 115 and 116 of the Rules of Procedure and Evidence" filed by the Prosecutor on 10 April 2000 (the "Prosecutor's Response to the Motion");

NOTING that the Appellant's Motion seeks to present new evidence in support of statements contained in the Appellant's Brief concerning his first three grounds of appeal;

NOTING that this evidence is not submitted along with the Appellant's Motion but is

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summarised as witnesses and evidence concerning six named persons;

**CONSIDERING** that the Appeals Chamber cannot decide whether or not to admit evidence on appeal without the opportunity to examine that evidence;

**NOTING** the table of contents of the Appellant's Appeal Book appended to the Appellant's Motion;

**NOTING** the contention in the Prosecutor's Response to the Motion that certain of the documents listed in the table of contents of the Appellant's Appeal Book do not form part of the Record on Appeal;


**CONSIDERING** that the Appellant's Appeal Book as provided for in Rule 117*bis* of the Rules of Procedure and Evidence of the Tribunal should consist only of documents forming part of the Record on Appeal to which the Appellant refers in his briefs or intends to refer in his oral arguments;

**HEREBY ORDER** as follows:

- 1) The Appellant shall file copies of all documents he wishes to present in relation to his first three grounds of appeal which do not form part of the Record on Appeal, including signed witness statements of any witnesses he wishes to call, by 29 April 2000, which time limit has been set to take into account the Easter holiday. All documents filed pursuant to this order shall be deemed to be included in the Appellant's Motion;
- 2) The Prosecutor may supplement her Response to the Motion by 4 May 2000;

- 3) The request in the Appellant's Motion that time limits for appeal be suspended pending a decision of the Tribunal is denied: the time limits set in the Scheduling Order continue to apply;
- 4) The Prosecutor may apply to supplement her Respondent's Brief if necessary after the delivery of the Appeals Chamber's decision on the Appellant's Motion.

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

  
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Rafael NIETO-NAVIA  
Pre-Hearing Judge

Dated this nineteenth day of April 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

