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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

ICTR-97-23-A  
24 - MAY - 2000  
(1581-1578)

IN THE APPEALS CHAMBER

Before: Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu U OKALI

Order of: 24 May 2000

Jean KAMBANDA

(Appellant)

v

THE PROSECUTOR

(Respondent)

Case No.: ICTR-97-23-A

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**ORDER**

(APPELLANT'S MOTION FOR ADMISSION OF NEW EVIDENCE)

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Counsel for the Appellant

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

Counsel for the Prosecutor

Mr Solomon LOH

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

NOTING the "Appellant's Motion for Admission of New Evidence on Appeal" filed by Jean KAMBANDA (the "Appellant") on 30 March 2000 (the "Appellant's Motion"), 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, and the Order issued by myself on 19 April 2000 (the "Order") which required, *inter alia*, that the Appellant file signed witness statements of any witnesses sought to be called further to the Appellant's Motion;

NOTING the "Supplement to the Appellant's Motion for Admission of New Evidence" filed by the Appellant on 28 April 2000 (the "Supplement to the Motion") and the "Prosecution's Supplemental Response to Appellant Jean Kambanda's Motion for Admission of New Evidence on Appeal" filed on 4 May 2000, pursuant to the Order;

NOTING that the Appellant applied to call 6 witnesses including himself in the Appellant's Motion, and that an affidavit from a seventh witness, Mr Philip Taylor, was filed along with the Supplement to the Motion, which is taken as an application to admit the testimony of this seventh witness pursuant to the Order;

NOTING that three statements of the Appellant on various subjects have been filed as part of the Appellant's Motion (Documents D10, D11 and D12), one of which runs to 90 pages, and that no witness statements have been filed in relation to the five witnesses mentioned in the Appellant's Motion other than himself;

NOTING FURTHER the Appellant's explanation that he has been unable to obtain statements from five of the witnesses he proposes to call;

**CONSIDERING** that the Appeals Chamber requires further details of the proposed evidence to decide whether or not it should be admitted on appeal:

**HEREBY ORDER** as follows:

1) By 29 May 2000 the Appellant shall file a document in relation to each witness he wishes to call in support of his appeal specifying the following:

- a) The position held by the witness;
- b) The expected testimony of the witness;
- c) The relevance of the expected testimony to a particular ground of appeal;
- d) The manner in which the interests of justice would be served by admission of the evidence,


failing which the application to call all witnesses will be rejected without further consideration.

2) By 2 June 2000 the Prosecutor will file a response to the documents filed pursuant to paragraph 1) stating, in relation to each witness:

- a) Whether the facts revealed by the expected testimony of the witness are accepted or whether, if admitted as evidence by the Appeals Chamber, she would wish to cross-examine the witness, and
- b) Whether she objects to the admission of the witness testimony on the grounds that it lacks relevance, probative value, or is contrary to the interests of justice.

3) The Chamber will then rule on the Appellant's Motion.

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

  
Rafael NIETO-NAVIA  
Pre-Hearing Judge

Dated this twenty-fourth day of May 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

