

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 1994 and 31 December 1994

677 bis
Case No ~~ICTR~~-96-12-A

Date : 24 May 2000

ENGLISH

Original: FRENCH

THE APPEALS CHAMBER

Before Judges: Claude JORDA, Presiding
Lal Chand VOHRAH
Mohamed SHAHABUDEEN
Rafael NIETO-NAVIA
Fausto POCAR

Registry: Mr. Agwu U. Okali

Order issued on: 24 May 2000

ICTR-96-12-A
19th JUNE 2000
(677 bis — 675)

Anatole NSENGIYUMVA
(Appellant)

Vs.

THE PROSECUTOR
(Respondent)

2000 JUN 19 P 12: 17
ICTR
COURT REGISTRY
RECEIVED

ORDER

Office of the Prosecutor:
Mohamed OTHMAN

Counsels for the Appellant:
Kennedy OGETTO
Gershon Otachi BW'OMANWA

NSEN(A)00-07

Translation certified by the LCSS, ICTR

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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 Decision rendered by Trial Chamber III on 13 April 2000 which dismissed Anatole NSENGIYUMVA's motion (Appellant), challenging the Chamber's jurisdiction *ratione materiae* and *ratione temporis* to consider the amended indictment brought against him by the Prosecutor of the Tribunal ("The Decision"),

NOTING that a Notice of Appeal against the Decision was filed on behalf of Anatole NSENGIYUMVA on 19 April 2000,

NOTING that the Prosecutor filed on 25 April 2000 a document entitled "Prosecutor's Preliminary Response to the Notice of Appeal" ("the Response"),

HAVING REGARD TO the motion filed by the Appellant on 9 May 2000 ("the Motion").

CONSIDERING that the Appellant asserts in his motion that the Prosecutor's Response contains factual inaccuracies, including allegations as to attempts by the Appellant to delay the trial, the facts concerning what transpired at the hearings of the motions and the contents of the transcripts of the hearings,

CONSIDERING MOREOVER that the Appellant sustains that the Prosecutor, by that Response, had produced a brief which was not required under Rule 117 (A) of the Rules; that furthermore, the Prosecutor in her response referred to an Appeal Book which has not yet been served upon the Appellant and that in any case, the Prosecutor was not authorized to produce said documents,

WHEREAS the Appellant therefore seeks leave to both file the present motion outside time and to produce and file an Appeal Book and a Book of Authorities within a time limit as may be deemed reasonable by the Presiding Judge,

HOLDING that the Appellant's motion is founded and the leave sought is justified considering the need to protect the rights of the Defence,

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FOR THE FOREGOING REASONS:

ALLOWS the motion filed outside time by the Appellant Anatole NSENGIYUMVA:

GRANTS LEAVE to the Appellant to file a brief in reply to the Prosecutor's Response, to which he may attach an Appeal Book and a Book of Authorities, within fifteen days from the date of the service of the present order.

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

(Signed)
Claude Jorda
Presiding Judge of the Appeals Chamber

Done at The Hague (The Netherlands), on 24 May 2000

[Seal of Tribunal]



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