

UNITED NATIONS
NATIONS UNIESTribunal Pénal International pour le Rwanda
International Criminal Tribunal for RwandaIN THE APPEALS CHAMBER

Before: Judge Rafael NIETO-NAVIA
Registrar: Mr Agwu U OKALI
Order of: 2 June 2000

Clément KAYISHEMA and
Obed RUZINDANA
(Appellants)

v

THE PROSECUTOR
(Cross-Appellant)

Case No: ICTR-95-1-A

ORDER(RE: MOTIONS TO PRESENT ADDITIONAL EVIDENCE)

Counsel for the Appellant Clément Kayishema
Mr André Férran
Mr Phillipe Moriceau

Counsel for the Appellant Obed Ruzindana
Mr Pascal Besnier
Mr William van der Griend

Counsel for the Prosecutor
Mr Upawansa Yapa
Mr Norman Farrell
Mr Zhu Wen-Qi

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I, Rafael Nieto-Navia, designated by the Presiding Judge as Pre-Hearing Judge pursuant to Rule 108bis of the Rules of Procedure and Evidence ("the Rules");

NOTING the Judgement of Trial Chamber II dated 21 May 1999 ("the Judgement") by which (a) Clément Kayishema ("the first Appellant") and Obed Ruzindana ("the second Appellant") were convicted on four counts of genocide and one count of genocide respectively, and (b) the first Appellant was sentenced to four terms of life imprisonment and the second Appellant was sentenced to one term of imprisonment for twenty-five years;

NOTING the three Notices of Appeal filed against the Judgement on 18 June 1999 by the first Appellant, the second Appellant and the Prosecutor ("the Cross-Appellant");

NOTING the Scheduling Order issued by the Appeals Chamber on 3 September 1999 which fixed a date for filing of Appellant's Briefs, Briefs in Response and Briefs in Reply and which ordered that the Appeals Chamber would thereafter decide on the date of hearing in the matter;

NOTING the subsequent decisions of the Appeals Chamber on 21 October 1999, 14 December 1999, 11 April 2000 and 26 May 2000 which, *inter alia*, modified the time limits for the filing of appeals briefs so that all parties are due to file their Respondent's Briefs by 23 June 2000 pursuant to Rule 112 of the Rules and their Briefs in Reply by 7 July 2000 pursuant to Rule 113 of the Rules;

NOTING the motions filed by the first Appellant¹ and the second Appellant² on 29 May 2000 and 8 May 2000 respectively, requesting the admission of new evidence on appeal pursuant to Rule 115 of the Rules (together "the Motions");

CONSIDERING that a response has yet to be filed by the Prosecution in respect of the Motions but that it is also not obliged to do so;

NOW ORDER AS FOLLOWS:

¹ *Mémoire pour solliciter la présentation de moyens de preuves supplémentaires devant la Chambre d'Appel* (Art. 115 du RPP), filed on 29 May 2000.

² *Requête de l'Appelant Obed Ruzindana en présentation de nouveaux moyens de preuves - Article 115 du Règlement*, filed on 8 May 2000.

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By 14 June 2000 the Prosecution shall file a response to the Motions, in the absence of which the Appeals Chamber will decide on the Motions.

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



Rafael Nieto-Navia,
Pre-hearing Judge

Dated this second day of June 2000
At The Hague,
The Netherlands.



[Seal of the Tribunal]