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ICTR-96-11-A
21-AUG-2000
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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

Case No. ICTR-96-11-A

Date :

ENGLISH

Original: FRENCH

APPEALS CHAMBER

Before Judges: Claude Jorda, Presiding
Lal Chand Vohrah
Mohamed Shahabuddeen
Rafael Nieto-Navia
Fausto Pocar

Registry: Mr. Agwu U. Okali

Order of: 2 June 2000

JUDICIAL RECORDS ARCHIVES
ICTR
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FERDINAND NAHIMANA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case no. ICTR-96-11-A

ORDER

Counsel for the Appellant

Mr. Jean-Marie Biju-Duval

Office of the Prosecutor

Mr. N. Sankara Menon

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 1994 and 31 December 1994 (“the Appeals Chamber” and “the Tribunal” respectively);

NOTING the 5 November 1999 “Decision on the Prosecutor’s Request for Leave to Amend the Indictment” by Trial Chamber I granting the Prosecutor’s application for leave to amend the indictment by adding new counts to and reformulating the indictment;

NOTING the 30 November 1999 “Decision on the Prosecutor’s Motion for Joinder” by Trial Chamber I granting the Prosecutor’s Motion for joinder of the accused Ferdinand Nahimana and Hassan Ngeze;

NOTING the Notice of Appeal from the aforementioned Decision of 5 November 1999, filed in French on 16 November 1999 by the accused Ferdinand Nahimana (“the Appellant”);

NOTING the Notice of Appeal from the aforementioned Decision of 30 November 1999, filed in French on 7 December 1999 by the Appellant;

NOTING that the Tribunal’s jurisdiction *rationae temporis* falls within the scope of Rule 72 (D) of the Rules of Procedure and Evidence “the Rules”;

CONSIDERING that interlocutory appeals lie as of right only in the case of dismissal of an objection based on lack of jurisdiction brought under Rule 72;

CONSIDERING that several motions and written submissions have been filed in relation to said appeals;

CONSIDERING that one of the grounds of appeal relates to whether events which occurred prior to 1994 and are alleged in the indictment and mentioned explicitly in the counts of the indictment fall within the Tribunal’s jurisdiction *rationae temporis*;

CONSIDERING that the Appeals Chamber has yet to rule on this issue;

NOW ORDERS AS FOLLOWS:

1. The Appellant shall submit within seven (7) days following the filing of this Order a schedule of all the issues raised on appeal in the instant proceedings; such issues, however they may be characterized, must be confined exclusively to cases of dismissal of objections based on lack of jurisdiction under Rule 72 (D).
2. In addition, the Parties shall file also within seven (7) days, submissions exclusively on the issue of the jurisdiction *rationae temporis* with regard to the admission in evidence of events which occurred prior to 1994 and are referred to in the indictment;

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

[signed]

Claude Jorda
Presiding

Done at The Hague, The Netherlands, on 2 June 2000

[Seal of the Tribunal]

