



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

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IN THE APPEALS CHAMBER

ICTR-96-4-A
27th July 2000
(3933-3931)

Before: Judge Rafael Nieto-Navia, Pre-Hearing Judge
Registrar: Mr Agwu U Okali
Decision of: 27 July 2000

JEAN-PAUL AKAYESU

v.

THE PROSECUTOR

Case No: ICTR-96-1-A

JUDICIAL RECORDS/ARCHIVES
ICTR
27/7/2000
[Signature]

DECISION

(MOTION TO HAVE THE PROSECUTOR'S APPEAL DECLARED INADMISSIBLE)

Counsel for the Appellant

Mr John Philpot
Mr Andre Tremblay

Counsel for the Prosecutor

Mr Solomon Loh

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I, Rafael Nieto-Navia, Pre-Hearing Judge in this matter,

NOTING the pending appeals filed by Jean-Paul AKAYESU (the "Appellant") and by the Prosecutor against the Judgement of Trial Chamber II delivered on 2 September 1998 and the Sentence delivered on 2 October 1998;

NOTING the briefing schedule set out in the Scheduling Order of 24 May 2000 as modified by the Scheduling Order of 27 July 2000;

NOTING the "*Memoire de l'Appellant*" filed by the Appellant on 7 July 2000 and the "Prosecutor's Appellant Brief" filed on 10 July 2000;

NOTING the "*Requête en irrecevabilité du mémoire de l'Appellant et mémoire de l'intime*" filed by the Appellant on 24 July 2000 ("the Appellant's Motion");

NOTING that the Appellant's Motion is also presented as his brief in response to the Prosecutor's Appellant Brief;

NOTING that the Appellant's Motion prays the Appeals Chamber to declare the Prosecutor's Appeal inadmissible or to allow a number of other persons accused before the Tribunal to be heard on the issues presented therein, or, if these prayers are rejected, to authorise the Appellant to submit a further response to the Prosecutor's Appeal Brief, and that the Appellant further prays the Appeals Chamber to reject the Prosecutor's Appeal on the merits;

CONSIDERING that the Appellant's Motion goes to the substance of the Prosecutor's Appeal, and is therefore a response to the Prosecutor's Appeal Brief and not a preliminary motion;

HEREBY ORDER as follows:

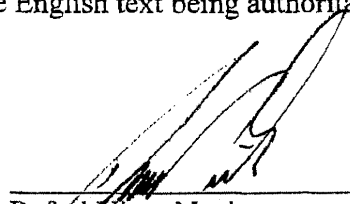
- (1) The Appellant's Motion shall be considered by the Appeals Chamber as his Respondent's Brief pursuant to Rule 112 of the Rules, unless he chooses to submit another

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Respondent's Brief within the deadlines set by the Scheduling Order of 24 May 2000 as modified by the Scheduling Order of 27 July 2000;

(2) If another Respondent's Brief is filed pursuant to paragraph (1), the Appellant's Motion shall not be considered by the Appeals Chamber.

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



Rafael Nieto-Navia
Pre-Hearing Judge

Dated this twenty-seventh day of July 2000
At The Hague,
The Netherlands

[Seal of the Tribunal]