



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Rafael NIETO-NAVIA

Registrar: Mr Agwu U OKALI

Order of: 31 July 2000

Clément KAYISHEMA and  
Obéd RUZINDANA  
(Appellants)

v

THE PROSECUTOR  
(Cross-Appellant)

Case No: ICTR-95-1-A

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**ORDER**

(RE: MOTIONS TO PRESENT ADDITIONAL EVIDENCE)

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Counsel for the Appellant Clément Kayishema

Mr André Férran  
Mr Phillipe Moriceau

Counsel for the Appellant Obéd 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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ICTR-95-1-A

31 July 2000

(1481 - 1479)

JUDICIAL RECORDS SECTION  
RECEIVED  
18/8/2000

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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 imprisonment for the remainder of his life 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 motions filed by the first Appellant on 29 May 2000 ("the first Motion")<sup>1</sup> and the second Appellant on 8 May 2000 ("the second Motion")<sup>2</sup>, requesting the admission of new evidence on appeal pursuant to Rule 115 of the Rules (together "the Motions");

**NOTING** the Order issued on 2 June 2000 in which the Cross-Appellant was ordered to file its response to the first Motion and the second Motion by 14 June 2000;

**NOTING** the "Prosecution Response to Clément Kayishema's Motion (under Rule 115) for Admission of Additional Evidence on Appeal dated 29 May 2000", filed 14 June 2000 ("the Cross-Appellant's first Response");

**NOTING** the "Prosecution Response to Obed Ruzindana's Motion under Rule 115 for Additional Evidence on Appeal dated 4 May 2000" filed 7 June 2000 ("the Cross-Appellant's second Response");

**NOTING** the first Appellant's reply to the Cross-Appellant's first Response, filed on 21 June 2000, in which the first Appellant states that he has not received the Cross-Appellant's first Response in French; that he finds this unacceptable as he is again being prevented from

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

<sup>2</sup> *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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properly responding; that he reserves all his rights in view of this situation but nevertheless strongly reiterates the contents of the first Motion<sup>3</sup>;

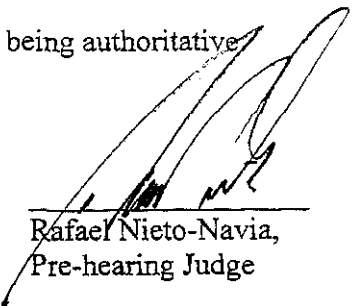
**NOTING** that the second Appellant has not filed a Reply to the Cross-Appellant's second Response;

**CONSIDERING** that although a party does not have a right to file such a reply *per se* to a preliminary motion raised on appeal, it would assist the Appeals Chamber in consideration of the Motions if such a reply were filed by both the first Appellant and the second Appellant to the Cross-Appellant's first Response and the Cross-Appellant's second Response respectively;

**NOW ORDER AS FOLLOWS:**

The first Appellant and the second Appellant may file a reply to the Cross-Appellant's first Response and the Cross-Appellant's second Response respectively, within seven days of the filing of these documents in French, failing which the Appeals Chamber will rule on the Motions.

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



Rafael Nieto-Navia,  
Pre-hearing Judge

Dated this thirty-first day of July 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

<sup>3</sup> *Duplique à la réponse de Procureur (14.06.2000) relative à la requête de l'Appelant Clément Kayishema aux fins présentation de moyens de preuves supplémentaires devant la Chambre d'Appel.*