

1531/H



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: 11 September 2000

ICTR-95-1-A
11/Sept/2000
(1531/H-1529/H)

Clément KAYISHEMA and
Obed RUZINDANA
(Appellants)

v

THE PROSECUTOR
(Cross-Appellant)

Case No: ICTR-95-1-A

ICTR Appeals Chamber
Date: 11/Sept/2000
Action:
Copied To: All Judges, AIDs
~~MD KAM, Judicial Archives,~~
Defence Counsels & Detainees.

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ORDER

(KAYISHEMA'S MOTION 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 108*bis* of the Rules of Procedure and Evidence (“the Rules”);

NOTING the Judgement issued in this matter by Trial Chamber II and dated 21 May 1999 (“the Judgement”);

NOTING the Notices of Appeal filed against the Judgement on 18 June 1999 by Clement KAYISHEMA (“the first Appellant”), by Obed RUZINDANA and by the Prosecutor;

NOTING the motion filed by the first Appellant on 29 May 2000 (“the Motion”)¹ requesting the admission of new evidence on appeal pursuant to Rule 115 of the Rules of Procedure and Evidence of the Tribunal;

NOTING the Order issued by the Appeals Chamber on 2 June 2000;

NOTING the “Prosecution Response to Clement Kayishema’s Motion (under Rule 115) for Admission of Additional Evidence on Appeal dated 29 May 2000”, filed on 14 June 2000 (“the Prosecutor’s Response”);

NOTING the Order issued by the Appeals Chamber on 31 July 2000 (“the Order”) allowing the first Appellant to file a reply to the Prosecutor’s Response within seven days of the filing of the French translation of the Prosecutor’s Response;

NOTING that the French translation of the Prosecutor’s Response was filed on 8 August 2000 and that the first Appellant has filed no reply to the Prosecutor’s Response;

NOTING the “Consolidated Motion by Clement Kayishema Seeking Extension of Time to Prepare his Defence” filed on 27 July 2000, which informs the Appeals Chamber of the illness of the first Appellant and in which he requests various extensions of time;

NOTING the medical certificate filed by the first Appellant on 11 August 2000² in support of his contention that he will not be well enough to instruct counsel until 20 September 2000;

¹ *Mémoire pour solliciter la présentation de moyens de preuves supplémentaires devant la Chambre d’Appel (Art. 115 du RPP)*

² *Complément à l’ordonnance de la chambre d’appel du 04.08.2000 suite à la requête de C.Kayishema en date du 27.07.00*

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CONSIDERING that the first Appellant may need to instruct counsel with regard to his reply to the Prosecutor's Response and that that good cause has thus been shown to grant an extension of time for the filing of the same;

HEREBY MODIFIES the Order so that the first Appellant may file his reply to the Prosecutor's Response by 22 September 2000.

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



Rafael Nieto-Navia,
Pre-hearing Judge

Dated this eleventh day of September 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]