



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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2036/A bis
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APPEALS CHAMBER

ICTR-96-3-A
30.04.2002
(2036/A bis - 2033/A bis)

ENGLISH

Original: FRENCH

Before Judge: Claude Jorda
Registry: Adama Dieng
Date filed: 26 April 2002

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30/04/02

JUDICIAL RECORDS ARCHIVES
ICTR
RECORDER

2002 APR 30 P 3:34

GEORGES ANDERSON NDERUBUMWE RUTAGANDA
(Appellant)
v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-96-3-A

DECISION ORDERING CLARIFICATION, AND SCHEDULING FORTHCOMING HEARINGS

Office of the Prosecutor:

Norman Farrell
Mathias Marcussen
Norul Rashid
Helen Brady

Counsel for the Appellant:

David Jacobs
David Paciocco

Traslation certified by LCSS, ICTR

RUTA(D)02-001 (E)

2035/A
bis

I, Claude Jorda, Pre-hearing Judge in the instant matter,

Considering the Judgement and Sentence handed down on 6 December 1999 in the instant matter by Trial Chamber I of the International Criminal Tribunal for Rwanda,

Considering the Notices of Appeal filed on 5 and 6 January 2000, pursuant to Rule 108 (A) of the Rules of Procedure and Evidence (the "Rules"), by Georges Anderson Nderubumwe Rutaganda (the "Appellant"), and by the Prosecution,

Considering that, pursuant to Rule 111 of the Rules and the Decisions rendered regarding the extension of time-limits, the Appellant filed his "Defence Appeal Brief" on 1 May 2001 ("*Mémoire de l'Appellant*") and the Prosecution filed its "Prosecution Appeal Brief" on 11 December 2000,

Considering that, pursuant to Rule 112 of the Rules and the Decisions rendered regarding extension of time-limits, the Prosecution filed its "Prosecution Response Brief" on 2 July 2001, and the Appellant filed his "Defendant's Response Brief to the Prosecution's Brief" on 2 April 2001,

Considering that pursuant to Rule 113 of the Rules and the Decisions rendered for extension of time-limits, the Appellant filed his "Defence Reply Brief (Defence Reply Brief to the Prosecution's Response Brief)" on 1 August 2001, and the Prosecution filed its "Prosecution Appeal Brief" on 17 April 2001,

Whereas, pursuant to Rule 114 of the Rules, the Appeals Chamber may decide to hear appeals in open court after the expiration of the time-limits set forth under Rules 111, 112 and 113 of the Rules;

Whereas the parties Appeal Briefs are being translated, but whereas the Decision (Urgent Motion for Translation of the Parties' Appeal Briefs) rendered on 25 January 2002 specifies that translation is not a prerequisite for hearings on appeal;

Whereas, moreover, certain grounds of appeal referred to by the Appellant in his Notice of Appeal were not mentioned and/or developed in his Appellant's Brief;

Whereas, the Appellant does not clearly and precisely indicate his grounds of appeal in his Appellant's Brief;

Whereas, in respect of certain grounds of appeal, the Appellant fails to state the error allegedly committed by Trial Chamber I;

Whereas the arguments in support of certain grounds of appeal are developed in separate sections of the Appellant's Brief;

Whereas the Appellant seems to have stated in certain footnotes certain arguments that the Appeals Chamber might consider to be grounds of appeal;

Considering that such omissions and/or imprecisions may lead to erroneous interpretations of the disputed and undisputed points of law and fact between the parties,

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Considering that, in general and with respect to errors of law, the Appellant must clearly refer to the specific provisions of the Statute, the Rules, case law and/or any other source of law that he invokes, and explain how the alleged error of law might have invalidated the impugned decision,

Considering that, in general and with respect to errors of fact, the Appellant must provide factual arguments to support each ground of appeal, indicate the precise reference to the materials, court transcripts and/or decisions on which he relies, and explain how the alleged error of law might have occasioned a miscarriage of justice;

Considering that precedent before the Appeals Chamber holds that “an appeal which consists of a Notice of Appeal that lists the grounds of appeal but is not supported by an Appellant’s brief, is rendered devoid of all the arguments and authorities”¹,

Considering that, for the sake of clarity, the Appellant must argue clearly and distinctly each ground of appeal in the main body of his brief, and not in the footnotes or in separate sections of his memorial,

Considering that is necessary to clarify, prior to the hearing on appeal, the issues on which the Chamber is called to render a decision,

Pursuant to Rules 108bis(C) and 114 of the Rules:

Decide as follows:

1. The hearings on appeal in the instant matter shall begin on 27 May 2002, it being understood that a new scheduling order will specify the modalities of the hearings on appeal;
2. The Appellant shall, by 10 May 2002 at the latest, file a new document clearly and precisely enumerating his grounds of appeal. In the said document, the Appellant shall indicate the pages and paragraphs of his Appellant’s Brief in which the said grounds of appeal are developed. The Appellant is not authorized either to raise new grounds of appeal or to develop arguments that are not contained in his Appellant’s Brief, it being understood that, should that be the case, the Prosecutor would have grounds to draw the Appeals Chamber’s attention to such non-compliance with the present Decision;
3. The Appellant shall clearly indicate, in the new document, for each of the grounds of appeal, the errors allegedly committed by the Trial Chamber, specifying whether they are errors of law or of fact within the meaning of Article 24 of the Statute.

¹ Decision (Motion to have the Prosecution’s Notice of Appeal declared inadmissible), *The Prosecutor v. Ignace Bagilishema*, Case No. ICTR-95-1A-A, 26 October 2001, Appeals Chamber, p. 3; Judgment (Reasons), *The Prosecutor v. Clément Kayishema and Obed Ruzindana*, Case No. ICTR-95-1-A, Appeals Chamber, para. 46.

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

Claude Jorda
Pre-Hearing Judge

Done at The Hague (The Netherlands), 26 April 2002

[Seal of the Tribunal]

