

9662/A
du



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

UNITED NATIONS
NATIONS UNIES

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*Office of the president
Bureau Du President*

Before: Judge Navanethem Pillay
President

Original: English

Registry: Mr. Adama Dieng

Decision of: 20 February 2003

GEORGES ANDERSON NDERUBUMWE RUTAGANDA

versus

THE PROSECUTOR

ICTR-96-3-A

JUDICIAL RECORDS ARCHIVES
ICTR
2003 FEB 20 P 6:25
[Signature]

**THE PRESIDENT'S AUTHORISATION FOR THE APPEALS CHAMBER TO SIT
AWAY FROM THE SEAT OF THE TRIBUNAL**

Counsel for the Appellant:

Mr. David Jacobs

Mr. Paciocco

ICTR-96-3-A
20th Feb. 2003
(9662/A - 9660/A)

Office of the Prosecutor:

Carla Del Ponte

[Signature]

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")

SITTING in the person of Judge Navanethem Pillay, President;

CONSIDERING that Georges Anderson Nderubumwe Rutaganda (the "Appellant") has filed an appeal against the trial judgment of 6 December 1999 and an appeals judgment in respect thereof, is pending (the "Appeal");

CONSIDERING that, by letter of 17 February 2003, the Presiding Judge of the Tribunal's Appeals Chamber, Judge Claude Jorda:

- requested the President to authorise the Appeals Chamber to sit away from the seat of the Tribunal, at the International Criminal Tribunal for the Former Yugoslavia (the "ICTY"), in The Hague, The Netherlands, for the purpose of holding an appeals hearing to take the testimony of a witness;
- stated that due to the advanced stage of the appeals proceedings, it is necessary to take the witness's testimony at the earliest possible date, that date being 28 February 2003 and requested the presence of the Appellant at the said hearing;

CONSIDERING that on 19 February 2003, the Appeals Chamber ordered:

Professor Guichaoua, pursuant to Rule 98 read together with Rule 107 of the Rules, to appear as a witness before the Appeals Chamber and to produce all supporting material on which he relied in making the following conclusion : « *D'après mes informations, il [Rutaganda] n'aurait pas été plus présent à Kicukiro que Rusatira* »

CONSIDERING that the five Appeals Judges involved in the Appeal have their Chambers at the ICTY in The Hague and they are not expected to travel to Arusha until some time later this year;

CONSIDERING that if the appeals hearing were to take place when the Appeals Judges are in Arusha, this will result in delays in the deliberation and rendering of the appeals judgment, which will not be in the interests of justice;

CONSIDERING that, pursuant to Rule 4 of the Tribunal's Rules of Procedure and Evidence (the "Rules"), the President may authorise a Judge or Chamber to exercise their functions away from the seat of the Tribunal, provided it is in the interests of justice;

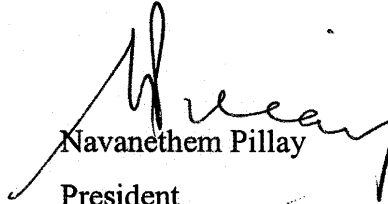
CONSIDERING Rules 98 and 107 of the Rules, and Article 20(d) of the Statute;

ORDERS that:

- (i) it is in the interests of justice that a hearing take place on 28 February 2003 to take the testimony of Professor Guichaoua and that such hearing take place at the seat of the ICTY, The Hague, The Netherlands;
- (ii) The Appellant may be present at the appeals hearing scheduled for 28 February 2003, provided the witness is available on that day;
- (iii) If the Appellant does not waive his right to be present at the aforementioned hearing, he shall be transferred to The Hague and detained at the ICTY Detention Facility and after the hearing, he shall be transferred to the Tribunal's Detention Facility in Arusha;

DIRECTS the Registrar of the Tribunal to make all arrangements in this regard.

Arusha, 20 February 2003


Navanethem Pillay
President
(Seal of the Tribunal)

