

ICTR-96-14-A
22 MARCH 2004
(980/H - 978/H)

980/H



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Mohamed SHAHABUDEEN, Pre-Appeal Judge
Registrar: Mr. Adama DIENG
Order of: 22 March 2004

ICTR Appeals Chamber
Date: 22-iii-04
Action: PG
Copied To: JUDGES

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Eliézer NIYITEGEKA
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-96-14-A

ALOs / LOs
Parties
Archive
Rhp Burre

ORDER FOR ADDITIONAL INFORMATION

Counsel for the Appellant

Ms. Sylvia Geraghty

Counsel for the Prosecutor

Mr. Hassan Bubacar Jallow
Mr. Mélanie Werrett
Mr. James Stewart

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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SIGNATURE: Rhy B DATE: 23-iii-04

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I, MOHAMED SHAHABUDEEN, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 (“International Tribunal”),

NOTING the “Judgement and Sentence” rendered in this case by Trial Chamber I on 16 May 2003 (“Judgement”);

NOTING that, by virtue of Rule 108bis (B) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), a Pre-Appeal Judge shall “ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters, including the issuing of decisions, orders and directions with a view to preparing the case for a fair and expeditious hearing”;

BEING SEIZED of the “Extremely Urgent Appellants Motion for Adjournment” filed on 19 March 2004, by the Eliézer Niyitegeka (“Urgent Motion for Adjournment” and “Appellant” respectively), in which the Appellant requests an adjournment of the appeal hearings which are presently scheduled for 21 and 22 April 2004;

NOTING that, in the Urgent Motion for Adjournment, the Appellant seeks an adjournment of the hearing on appeal on the basis *inter alia* that (i) he has recently received new information concerning a Prosecution witness which requires investigation, (ii) the Prosecution and the Registrar have failed and refused to provide information sought which is relevant to certain of his grounds of appeal, and (iii) he needs to initiate proceedings before the Supreme Court of the State of New York, Appellate Division, and is not sure how long these will take;

CONSIDERING that, in his Urgent Motion for Adjournment, the Appellant provides only minimal information in relation to the evidence of the Prosecution witness and its relevance, the steps he may have taken to obtain information from the Registrar and the Prosecution, and about the nature and relevance to his appeal of proceedings before the Supreme Court of the State of New York, Appellate Division;

CONSIDERING that, before ruling on the Urgent Motion for Adjournment, and in view of the advanced stage of the proceedings, more information is required from the Appellant;

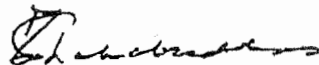
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FOR THE FOREGOING REASONS,**ORDER** the Appellant to provide the Appeals Chamber with additional information on:

- (i) when he became aware of the evidence of the Prosecution witness, on the relevance of the evidence to be provided by the Prosecution witness, and on actions he has taken to date in relation thereto, giving the time when each action was taken;
- (ii) the failure and refusal of the Registrar and the Prosecution to provide certain information, and on the nature and relevance to his appeal of the information sought from the Registrar and Prosecution;
- (iii) the relevance and purpose of the proceedings he intends to initiate before the Supreme Court of the State of New York, Appellate Division, and on the procedures he has to date instituted in this regard; and
- (iv) any other information relevant to the Urgent Motion for Adjournment;

ORDER also that the Appellant shall file this additional information by Thursday, 25 March 2004, and the Prosecution shall file a response to the Urgent Motion for Adjournment by Monday, 29 March 2004.

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



Mohamed Shahabuddeen
Pre-Appeal Judge

Done this twenty-second day of March 2004,
At The Hague,
The Netherlands.

