

ICTR-99-52-A
3 MAY 2004
(333/H - 332/H)

333/



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Weinberg de Roca, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Order of: 3 May 2004

**Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)**

V.

**THE PROSECUTOR
(Respondent)**

Case No. ICTR-99-52-A

JUDICIAL RECORD
2004 MAY -4 3:10
[Signature]

ORDER CONCERNING MULTIPLE NOTICES OF APPEAL

Counsel for the Appellants

Mr. Jean-Marie Biju-Duval
Mr. Giacomo Barletta-Caldarera
Mr. John C. Floyd III

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett

ICTR Appeals Chamber
Date: 3 MAY 2004
Action:
Copied To: CONCERNED JUDGES
<i>Alo, LSS, PARTI</i>

I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,¹

RECALLING the “Decision on Ngeze’s Motion for Clarification of the Schedule and Scheduling Order” of 2 March 2004 in which the Pre-Appeal Judge held:

- (1) That each Appellant is only entitled to a single Notice of Appeal and a single Appellant’s Brief;
- (2) That the “*Notification de la demande d’annulation du Jugement*”² filed 3 February 2004 by Appellant Jean-Bosco Barayagwiza (“Motion for Annulment” and “Appellant”, respectively), would be treated as the Appellant’s Notice of Appeal pursuant to Rule 108 of the Rules of Procedure and Evidence (“Rules”);
- (3) That the Appellant may amend his Motion for Annulment no later than thirty days from the communication of the Judgement in the French language;³

HAVING RECEIVED the “*Notice d’Appel*” filed 22 April 2004 by Counsel Calderera, assigned counsel to the Appellant, and the “*Acte d’Appel Modifié*” filed 27 April 2004 by the Appellant personally, both of which purport to replace the Motion for Annulment;

FINDING that the Appellant, who is represented by Counsel Calderera, is only entitled to a single Notice of Appeal and that therefore the Appellant must clearly indicate to the Appeals Chamber which document he intends to rely on as his Notice of Appeal pursuant to Rule 108 of the Rules;


HEREBY

ORDER the Appellant to indicate to the Appeals Chamber, not later than 10 May 2004, which document he intends to rely on as his Notice of Appeal;

DECLARE that if no notification is received by 10 May 2004, then the Motion for Annulment dated 3 February 2004 shall be the Notice of Appeal pursuant to Rule 108 of the Rules.

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

Dated this 3rd day of May 2004,
At The Hague, The Netherlands.



Judge Inés Mónica Weinberg de Roca
Pre-Appeal Judge

[Seal of the International Tribunal]



¹ “Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge” 19 December 2003.

² “*Notification de la demande d’annulation du Jugement rendu le 3 décembre 2003 par la Chambre I dans l’affaire Procureur contre Ferdinand Nahimana, Jean-Bosco Barayagwiza et Hassan Ngeze, ICTR-99-52-T*”, 3 February 2004.

³ The French translation of the Judgement was communicated to the Appellant on 7 April 2004.