

UNITED NATIONS

NATIONS UNIES



Tribunal Pénal International pour le Rwanda International Criminal Tribunal for Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before:

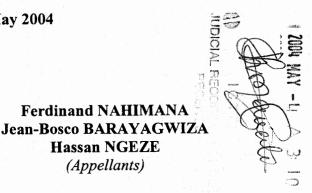
Judge Weinberg de Roca, Pre-Appeal Judge

Registrar:

Order of:

3 May 2004

Mr. Adama Dieng



(Appellants) V.

Ferdinand NAHIMANA

Hassan NGEZE

THE PROSECUTOR (Respondent)

Case No. ICTR-99-52-A

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 7004 Action: Copied To: CONCERNED JUDGO Alor, LSS, PARTI

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 Jugement³² 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 Caldarera, 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 Caldarera, 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]



[&]quot;Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" 19 December 200 ² "Notification de la demande d'annulation du Jugement rendu le 3 décembre 2003 par la Chambre I dans l'affai 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. Case No. ICTR-99-52-A