



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Weinberg de Roca, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 5 May 2004

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)
V.
THE PROSECUTOR
(Respondent)
Case No. ICTR-99-52-A

ORDER CONCERNING NGEZE'S AMENDED NOTICE 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

I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,
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, because good cause had been shown, Appellant Ngeze (“Appellant”) could amend the Notice of

Appeal filed by his counsel on 9 February 2004 at any time prior to thirty days from the communication of the Judgement in the French language;

HAVING RECEIVED a package of documents filed by the Appellant on 30 April 2004, which includes:

- (A) A document entitled “Prisoner Hassan Ngeze 1st amendment of appeal notice pursuant to Rule 108 of the Rules of Procedure and Evidence”;
- (B) A copy of the “Defence Notice of Appeal” dated 9 February 2004;
- (C) A copy of correspondence from the Appellant to the Registrar of the International Tribunal requesting transmission of the Appellant’s condolences to the Rwandan authorities;
- (D) A copy of an internet article entitled “Kagame: ‘Pourquoi la France n’examine pas ses propres responsabilités’” dated 16 March 2004;
- (E) A video cassette of the Belgian Minister of Foreign Affairs dated 26 April 2004;

FINDING that by filing his Notice of Appeal in two separate documents (Documents A and B) the Appellant has failed to clearly indicate which single Notice of Appeal he intends to rely on as his Notice of Appeal pursuant to Rule 108 of the Rules of Procedure and Evidence (“Rules”);

FINDING, moreover, that Document A fails to adhere to the requirements set out in the Practice Direction on Formal Requirement for Appeals from Judgement dated 16 September 2002 (“Practice Direction”);

FINDING that Documents C and D and video cassette E are not in evidence in this case and will not be considered for admission by the Appeals Chamber unless submitted as additional evidence on appeal pursuant to Rule 115 of the Rules and the Practice Direction;

HEREBY

ORDER the Appellant to indicate to the Appeals Chamber, not later than 12 May 2004, which single document he intends to rely on as his Notice of Appeal;

ORDER that if the Appellant wishes to combine the arguments contained in Documents A and B, then this combined Notice of Appeal must be filed not later than 12 May 2004 and must be presented as a single document which complies with the Rules and the Practice Direction;

ORDER that if the Appellant elects to rely on Document A as his Notice of Appeal, then it must be re-filed in strict compliance with the Rules and Practice Direction not later than 12 May 2004;

DECLARE that if no notification or re-filing is received by 12 May 2004, then the Notice of Appeal filed on 9 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 5th day of May 2004,
At The Hague, The Netherlands.

Judge Inés Mónica Weinberg de Roca
Pre-Appeal Judge

[Seal of the International Tribunal]