

ICTR-99-52-A  
24 May 2004  
(617/H-616/H)

617/H  
RMM



UNITED NATIONS  
NATIONS UNIES

Tribunal Penal 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:** 24 May 2004

ICTR Appeals Chamber  
Date: 24 May 2004  
Action: MGS  
Copied To: Concerned Judges  
LOs, Parties, Judicial  
Archives, LSS  
RMM

Ferdinand NAHIMANA  
Jean-Bosco BARAYAGWIZA  
Hassan NGEZE  
(Appellants)

v.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-99-52-A

2004 MAY 25 10:15  
JUDICIAL FILE

**ORDER CONCERNING HASSAN NGEZE'S REQUEST TO JOIN  
CO-APPELLANT'S MOTION**

**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

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME A L'ORIGINAL PAR NOUS  
NAME / NOM: ROSETTE MUZIGO-MORRISON  
SIGNATURE: [Signature] DATE: 24/05/04

616/H

I, Inés Mónica Weinberg de Roca, Pre-Appeal Judge in this case,<sup>1</sup>

**HAVING RECEIVED** "Ngeze Defence's notice in support of the motion for additional (sic) evidence filed by defence counsel Caldarera" filed 12 May 2004 ("Motion to Adopt"), in which Counsel Floyd seeks to "adopt and conform" a motion seeking to adduce additional evidence on appeal pursuant to Rule 115 of the Rules of Procedure and Evidence ("Rule 115") filed by Counsel Barletta-Caldarera,<sup>2</sup> assigned counsel of Appellant Jean-Bosco Barayagwiza;

**CONSIDERING** that the proceedings concerning Appellant Jean-Bosco Barayagwiza have been temporarily stayed until a final decision has been made concerning his request to withdraw assigned counsel;<sup>3</sup>

**CONSIDERING**, moreover, that Counsel Barletta-Caldarera did not submit the Bruguière Report, a witness statement of Judge Bruguière, or any of the other documentation that he sought to have admitted as additional evidence on appeal to the Appeals Chamber for consideration pursuant to Rule 115;

**FINDING** therefore that if Appellant Ngeze wishes to file a motion seeking to admit the Bruguière Report and/or related material as additional evidence on appeal, then Counsel for Ngeze should file an independent motion, accompanied by the additional evidence sought to be admitted;

**HEREBY**


**DISMISS** the Motion to Conform, without prejudice to the Appellant's right to re-file this request as an independent motion pursuant to Rule 115.

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

Dated this 24th day of May 2004,  
At The Hague, The Netherlands.



[Seal of the International Tribunal]

  
\_\_\_\_\_  
Judge Inés Mónica Weinberg de Roca  
Pre-Appeal Judge

<sup>1</sup> "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" 19 December 2003.

<sup>2</sup> *Requête d'acceptation des moyens de preuves supplémentaires pour des motifs valables qui permettent d'accorder une extension du délai ex article 115 du Règlement de Procédure et de Preuve (concernant le Rapport du Juge d'instruction français Jean-Louis Bruguière sur le crash de l'avion présidentiel au Rwanda, 29 March 2004.*

<sup>3</sup> Decision on Jean-Bosco Barayagwiza's motion appealing refusal of request for legal assistance, 19 May 2004.