

ICTR-99-52-A  
24 May 2004  
(615/H-612/H)

615/H  
RMM



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: 24 May 2004

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

2004 MAY 25 15  
JUDICIAL REGISTRY

Ferdinand NAHIMANA  
Jean-Bosco BARAYAGWIZA  
Hassan NGEZE  
(Appellants)

v.

THE PROSECUTOR  
(Respondent)

Case No. ICTR-99-52-A

**ORDER CONCERNING FILINGS BY HASSAN NGEZE**

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 MORISON-MORRISON  
SIGNATURE: [Signature] DATE: 24/05/04

6/4/14

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

### 1. Copies of Correspondance

**HAVING RECEIVED** the following documents from Appellant Hassan Ngeze ("Appellant"):

1. Letter to Registrar Dieng dated 11 February 2004;
2. Letter to Mr. Pereira dated 17 February 2004;
3. Letter to Counsel Floyd and Ms. Leblanc dated 23 February 2004 ;
4. Letter to Counsel Floyd dated 1 March 2004, with attachments;
5. Letter to Mr. Fometé dated 4 March 2004, with attachments;
6. Letter to President Møse dated 12 March 2004, with attachments;
7. Letter to Ms. Talon dated 16 March 20004;
8. Letter to Counsel Floyd, undated, filed 19 March 2004, with attachments;
9. Letter to Mr. Pereira dated 15 April 2004, with attachment;
10. Letter to Counsel Floyd dated 20 April 2004, with attachments;
11. Letter to Mr. Pereira dated 20 April 2004;
12. Letter to Ms. Talon dated 27 April 2004;
13. Letter to Registrar Dieng dated 27 April 2004;
14. Confidential letter to Ms. Talon dated 4 May 2004;
15. Confidential letter to Mr. Pereira dated 5 May 2004, with attachments;
16. Confidential letter to Mr. Pereira dated 6 May 2004;
17. Letters to Mr. Pereira and Ms. Talon dated 10 May 2004, with attachment;
18. Letter to Ms. Taion dated 10 May 2004;
19. Letter to Counsel Floyd, Co-counsel Chadha, and Ms. Leblanc dated 13 May 2004, with attachments;

**NOTING** that although the Appellant has sent copies of the abovementioned documents to the Appeals Chamber, the Appeals Chamber is not seised of the matters raised therein;

**FINDING** that the practice of copying all correspondence to the Appeals Chamber, regardless of its relevance to any matter currently under appeal, is unnecessary and unduly complicates the proceedings;

### 2. Motions

**HAVING RECEIVED** a document entitled "The Appellant motion to compel the Registrar to disclose the report made by Jean Pele Fometé, with the UNDF report cited in Media Judgement

<sup>1</sup> "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" 19 December 2003.  
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paragraph 84 page 23, for the purpose of my appeal notice and brief" filed confidentially on 6 May 2004 by the Appellant personally ("Motion for Disclosure");

**FINDING** that the Motion for Disclosure does not conform to the Practice Direction on Formal Requirement for Appeals from Judgement dated 16 September 2002 ("Practice Direction") and that the wording of the Motion for Disclosure is unclear and ambiguous;

**HAVING RECEIVED** "Appellant Hassan extremely urgent memorandum requesting the Appeal Chamber to disregard and reject in totality what Counsel John Floyd Filed on 10<sup>th</sup> May 2004 which he called "Ngeze Counsel memorandum regarding the notice of appeal" filed 12 May 2004 by the Appellant personally ("Motion to Disregard");

**FINDING** that the Motion to Disregard does not conform to the Practice Direction and that the wording of the Motion to Disregard is unclear and ambiguous;

### **3. Notice of Appeal**

**HAVING RECEIVED** "The Appellant Hassan Ngeze clarification of what will be his Notice of Appeal as per appeal order concerning Ngeze's amendment Notice of Appeal of May 5<sup>th</sup> 2004, Document (A) and (B) to be considered as a single notice of appeal" filed 10 May 2004, in which the Appellant seeks to re-file "Prisoner Hassan Ngeze 1<sup>st</sup> amendment of appeal notice pursuant to Rule 108 of the Rules of Procedure and Evidence" and the "Defence Notice of Appeal" dated 9 February 2004 together as his Notice of Appeal;

**FINDING** that the Appellant has failed to re-file his Notice of Appeal in accordance with the Rules, Practice Direction, and Pre-Appeal decisions<sup>2</sup> and that, therefore, the Notice of Appeal filed on 9 February 2004 shall be the Notice of Appeal pursuant to Rule 108 of the Rules;

### **4. Future Filings**

**NOTING** that the Appellant has been assigned Counsel Floyd and Co-counsel Chadha to represent him on appeal;

**CONSIDERING** the repeated unnecessary filings of the Appellant, the duplication of filings from both the Appellant and his Counsel, the filing of contradictory motions on related matters by the Appellant and his Counsel, and the Appellant's repeated failure to adhere to the Rules and Practice Direction;

<sup>2</sup> "Order concerning Ngeze's amended notice of appeal", 5 May 2004 ; "Decision on Ngeze's Motion for clarification of the Schedule and scheduling order", 2 March 2004.

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**FINDS** that all further submissions which the Appellant wishes to make to the Appeals Chamber should be made on his behalf by one of his Counsel, except for submissions relating uniquely to his representation by assigned Counsel, which should be filed with the Appeals Chamber only after the Appellant has sought relief from the Registrar and then review by the President;<sup>3</sup>

**HEREBY**

**ORDER** the Registrar to serve this Order on the Appellant together with complete copies of all of the documents listed in section 1 above and the two motions listed in section 2 above;

**REJECT** the Motion for Disclosure and the Motion to Disregard as currently filed, without prejudice to the Appellant's right to re-file through Counsel in accordance with the Rules and the Practice Direction;

**ORDER** that the Notice of Appeal filed by Counsel on 9 February 2004 shall be the Notice of Appeal pursuant to Rule 108 of the Rules;

**ORDER** that Appellant Hassan Ngeze shall make all further submissions relating to his appeal through his Counsel;

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

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



Judge Inés Mónica Weinberg de Roca  
Pre-Appeal Judge

[Seal of the International Tribunal]



<sup>3</sup>See, e.g. *Prosecutor v. Miroslav Kvočka et al.*, ICTY Case No. IT-98-30/1-A, Order on Zoran Zigic's motion to strike out portions of Prosecutor's response, 13 March 2003, p. 2; *Prosecutor v. Vojislav Šešelj*, ICTY Case No. IT-03-67-PT, Decision on Motion for Disqualification, 10 June 2003, para. 5.