

1196/A



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
Decision of: 4 August 2004

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

V.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-52-A

2004 AUG - 4 P 4: 18
Melanie Werrett

DECISION ON NGEZE'S MOTION FOR A STAY OF PROCEEDINGS

14-R-99-52-A
4 August 2004
(1196/A - 1195/A)

Counsel for the Appellants

Mr. Jean-Marie Biju-Duval
Mr. Bharat B. Chadha

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett

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

BEING SEISED OF “Appellant Hassan Ngeze’s motion for the amendment of the grounds of appeal and of the appeal brief as well request to arrest the further appeal proceedings pending the determination of this motion” filed 12 July 2004, in which Appellant Ngeze requests, in light of the Registrar’s decision to replace his lead counsel, that he be permitted to re-file his Notice of Appeal and Appeals Brief and that the proceedings be stayed;

NOTING that the Prosecution has not filed a response;

CONSIDERING that, pursuant to Rule 108 of the Rules of Procedure and Evidence,² the Appeals Chamber may, on good cause being shown by motion, authorize a variation of the grounds of appeal and that such a variation may also require a variation of the Appellant’s Brief;

FINDING that; once lead counsel has been appointed, then Appellant Ngeze may file a motion to vary or substitute the Notice of Appeal and Appellant’s Brief filed by his previous counsel, but that it would be premature to decide the merits of a future application for variation at the present time;

FINDING that, in order to preserve the fairness and efficiency of the proceedings, it is necessary to stay the proceedings against Appellant Ngeze until a new lead counsel has been assigned to represent him;

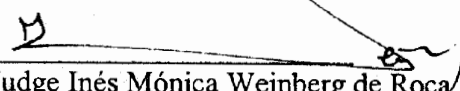
HEREBY

GRANTS the Motion in part; and

STAYS the proceedings in relation to Appellant Ngeze until a new lead counsel has been appointed by the Registrar.

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

Dated this fourth day of August 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 See also Practice Direction on Formal Requirements for Appeals From Judgement of 16 September 2002, paras. 2-3.
Case No. ICTR-99-52-A