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ICTR-99-52-A
26 January 2005
(1961/H - 1959/H)

1961/H
RMM



UNITED NATIONS
NATIONS UNIES



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Inés Weinberg de Roca, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Order of: 26 January 2005

**Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)**

V.

**THE PROSECUTOR
(Respondent)**

Case No. ICTR-99-52-A

JUDICIAL RECORDS/ARCHIVES
ICTR
2005 JAN 26 P 3:25
[Signature]

**ORDER LIFTING THE STAY OF PROCEEDINGS IN RELATION TO
JEAN-BOSCO BARAYAGWIZA**

Counsel for the Appellants

Mr. Jean-Marie Biju-Duval
Mr. Donald Herbert
Mr. Bharat Chadha

Counsel for the Prosecutor

Mr. James Stewart

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

NOTING that the proceedings in relation to Appellant Barayagwiza have been stayed since 19 May 2004, pending the assignment of new lead counsel;²

NOTING that, on 30 November 2004, the Registrar assigned Mr. Donald Herbert as lead counsel to Appellant Barayagwiza;

NOTING the “Decision on Jean-Bosco Barayagwiza’s Motion Concerning the Registrar’s Decision to Appoint Counsel” of 19 January 2005, in which the Appeals Chamber dismissed the Appellant’s challenge to the Registrar’s assignment of Mr. Donald Herbert as his lead counsel (Decision of 19 January 2005);

CONSIDERING that proceedings in this appeal have been delayed for a significant time and that it is therefore in the interests of justice for this case to advance immediately;

NOTING the “Acte d’appel modifié” filed by Appellant Jean-Bosco Barayagwiza on 27 April 2004;³

NOTING the “Mémoire d’appel” filed by Mr. Barletta-Caldarera, former lead counsel for Appellant Barayagwiza (Former Counsel), on 25 June 2004;

NOTING further that a motion to adduce additional evidence, filed by Former Counsel prior to the imposition of the stay, remains pending;⁴

HEREBY

LIFTS the stay of proceedings in relation to Appellant Barayagwiza;

ORDERS Appellant Barayagwiza to file any amended or new Notice of Appeal no later than 21 February 2005 (*i.e.*, thirty days from the Decision of 19 January 2005);

ORDERS Appellant Barayagwiza to file any amended or new Appellant’s Brief no later than 9 May 2005 (*i.e.*, seventy-five days after the time limit for filing the Notice of Appeal); and

¹ Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge, 19 December 2003.

² Decision on Jean-Bosco Barayagwiza’s Motion Appealing Refusal of Request for Legal Assistance, 19 May 2004.

³ *Notification sur la détermination de mon Acte d’appel*, 5 May 2004.

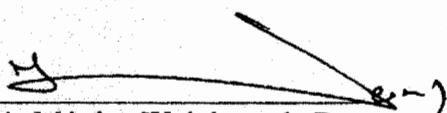
⁴ *Requête d’acceptation des moyens de preuves supplémentaires pour des motifs valables qui permettent d’accorder une extension du délai ex article 115 du Règlement de Procédure et de Preuve (concernant le Rapport du Juge d’instruction français Jean-Louis Bruguière sur le crash de l’avion présidentiel au Rwanda)*, 29 March 2004 (Motion for Additional Evidence).

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ORDERS Appellant Barayagwiza to notify the Appeals Chamber of his intention to pursue or abandon the Motion for Additional Evidence no later than 21 February 2005.

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

Dated this 26th day of January 2005,
At The Hague, The Netherlands.


Inés Mónica Weinberg de Roca
Pre-Appeal Judge

[Seal of the Tribunal]

