



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Florence Ndepele Mwachande Mumba
Judge Wolfgang Schomburg
Judge Inés Mónica Weinberg de Roca

Registrar: Mr. Adama Dieng

Order of: 18 February 2005

JUVÉNAL KAJELIJELI
(Appellant)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-98-44A-A

ORDER CONCERNING THE HEARING OF THE APPEAL

Counsel for the Prosecution

Mr. James Stewart

Counsel for the Appellant

Prof. Lennox S. Hinds

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994;

BEING SEIZED of an appeal by Juvénal Kajelijeli (“Appellant”) against the Judgement and Sentence rendered by Trial Chamber II on 1 December 2003 in the case of *Prosecutor v. Juvénal Kajelijeli* (“Appeal”);

NOTING the “Amended Notice of Appeal” filed by the Appellant on 28 April 2004; “Grounds of Appeal Against Conviction and Sentence and Appellant’s Brief on Appeal” filed by the Appellant on 22 April 2004 (“Appellant’s Brief”); “Respondent’s Brief” filed by the Prosecution on 1 June 2004; and “Appellant’s Brief-in-Reply” filed by the Appellant on 2 August 2004;

NOTING the “Scheduling Order”, filed on 17 December 2004, which set the date of the hearing of the merits of the Appeal in this case to 7 March 2005 (“Hearing”);

HEREBY INFORMS the parties that during the Hearing, without prejudice to any matter the Parties or the Chamber may wish to raise, the Appeals Chamber would welcome if the Parties would, *inter alia*, further develop their submissions on the following points:

1. Alleged errors related to the assessment of credibility and testimony of Witness JK312;^[1]
2. Alleged errors related to the assessment of credibility and testimony of Witness JK27;^[2]
3. Alleged error in denying the Appellant’s motion concerning arbitrary arrest and illegal detention (Trial Chamber II Decision of 8 May 2000);^[3] and
4. Alleged error in finding that it was the Appellant’s wife who deserved credit for sheltering Tutsi refugees.^[4]

CONSIDERING that the identification of these points is in no way an expression of an opinion on the merits of the Appeal.

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

Done this 18th day of February 2005,

At The Hague,

The Netherlands.

Judge Fausto Pocar
Presiding

(Seal of the International Tribunal)

[\[1\]](#) *See* Appellant's Brief, paras. 137-147.

[\[2\]](#) *See* Appellant's Brief, paras. 148-150.

[\[3\]](#) *See* Appellant's Brief, paras. 355-372.

[\[4\]](#) *See* Appellant's Brief, para. 401.