

1CTR-01-71-A  
02 March 2005  
C75/H-73/H

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Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge  
Registrar: Mr. Adama Dieng  
Decision of: 2 March 2005

ICTR Appeals Chamber  
Date: 02 March 2005  
Action:  
Copied To: Concerned Judges,

EMMANUEL NDINDABAHIZI

Parties, Judicial Archives  
LOs, LSS

v.

THE PROSECUTOR

Case No. ICTR-01-71-A

ORDER IN PREPARATION OF STATUS CONFERENCE

Counsel for the Prosecution

Mr. James Stewart

Counsel for the Defence

Mr. Michel Konitz

JUDICIAL ARCHIVES  
ICTR  
2005 MAR -2 P 5: 56

Case No. ICTR-01-71-A

International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda  
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME  
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS  
NAME / NOM: ROSETTE MUISSO-MORRISON  
SIGNATURE: [Signature] DATE: 2 March 2005

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**L. WOLFGANG SCHOMBURG**, a Judge of 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 ("Appeals Chamber" and "International Tribunal", respectively);

**NOTING** the "Order of the Presiding Judge Assigning Judges and Designating the Pre-Appeal Judge" of 24 August 2004 which, *inter alia*, designated me to serve as pre-appeal Judge in this case;

**NOTING** that a status conference before the pre-appeal Judge has been scheduled for 8 March 2005, at 14.30 hrs. ("Status Conference") in Room S-355, third floor, Serengeti Wing, in case no courtroom is available at that time;

**NOTING** that Emmanuel Ndindabahizi ("Appellant") is currently in detention in the United Nations Detention Unit in Arusha pending appeal;

**NOTING** that Mr. Michel Konitz has been assigned by the Registrar as lead counsel of the Appellant on 23 February 2005;

**NOTING** that in the "Decision on Emmanuel Ndindabahizi's Motion for an Extension of Time" of 6 January 2005, the pre-appeal Judge ordered that the Appellant shall file his Appellant's Brief pursuant to Rule 111 of the Rules of Procedure and Evidence ("Rules") within seventy-five days after the assignment of new lead counsel by the Registrar;

**NOTING** that Mr. Michel Konitz informed the Appeals Chamber on 9 February 2005 that he would not be in a position to attend the Status Conference, due to professional obligations that arose at a time at which he was not yet assigned as lead counsel to the Appellant;

**NOTING** that pursuant to Rule 65bis(C) of the Rules a status conference may be conducted with the participation of counsel via, *inter alia*, tele-conference;

**NOTING** that in the "Defence Motion to Present Additional Evidence Pursuant to Rule 115 of the Rules of Procedure and Evidence", filed by the Appellant on 27 September 2004 ("Rule 115 Motion"), the Appellant applies to present four documents which were filed by the Office of the Prosecutor ("Prosecution") in the case of *The Prosecutor v. Bizimungu et al.*, ICTR-99-45, and admitted as Exhibits P.2 (78) F, P.2 (79) F, P.2 (80) F, and P.2 (81) F ("Four Documents"), as additional evidence;

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**NOTING** that the Defence informed the Appeals Chamber that it has not received yet the Four Documents and, consequently, cannot communicate them to the Appeals Chamber;

**CONSIDERING** that the Bench in this case cannot decide on the Rule 115 Motion without being informed about the entire content of the Four Documents;

**PURSUANT TO RULES 54 AND 65BIS(C) OF THE RULES**

**HEREBY ORDER** the Prosecution to communicate copies of the Four Documents to the Appellant and the Appeals Chamber no later than during the Status Conference;

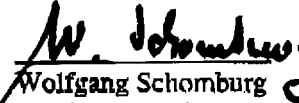
**DIRECT** the Registrar to assign a new co-counsel to the Appellant prior to the Status Conference, if practicable;

**DIRECT** the Registrar to arrange for the participation of lead counsel and/or co-counsel via teleconference in the Status Conference, if they so wish, and in the case of co-counsel only if he or she has been assigned to the Appellant by the Registrar prior to the Status Conference;

**DIRECT** the Registrar to arrange for the necessary translation services and to provide a full transcript of the Status Conference.

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

Dated this second day of March 2005,  
At The Hague,  
The Netherlands.

  
Wolfgang Schomburg  
Pre-Appeal Judge

[Seal of the International Tribunal]



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