

ICTR-99-52-A

28 June 2005

(3358/H-3356/H)

3358/H
RMM

Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Mohamed Shahabuddeen
Judge Florence Ndepele Mwachande Mumba
Judge Fausto Pocar
Judge Inés Mónica Weinberg de Roca

Registrar: Mr. Adama Dieng

Decision of: 28 June 2005

ICTR Appeals Chamber

Date: 28 June 2005

Action: Concerned Judge

Copied To: Parties, Judicial Archives

LDs, LSS RMM

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-52-A

CONFIDENTIAL

**DECISION ON PROSECUTION'S URGENT MOTION FOR EXTENSION OF
TIME TO FILE RESULTS OF INVESTIGATION INTO THE NEW EVIDENCE
OF WITNESS EB**

Office of the Prosecutor

James Stewart
Neville Weston

Counsel for the Appellant, Hassan Ngeze

In the International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
Bharat B. Chaudha
Behram Shroff

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NAME / NOM: Rosele Muzigo-Nomson

SIGNATURE: [Signature] DATE: 28/06/05

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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 ("Tribunal"),

RECALLING the "Decision on Appellant Hassan Ngeze's Motions for the Admission of Additional Evidence on Appeal", issued 24 May 2005, in which the Appeals Chamber asked the Prosecution to conduct a further investigation into the reliability of Witness EB's new evidence and to provide it with the results of its further investigation not later than one month after the date of the decision;¹

BEING SEISED OF the "Prosecution's Urgent Motion for Extension of Time to File Results of Investigation into the New Evidence of Witness EB", filed 23 June 2005 ("Motion"), in which the Prosecution requests a two-week extension of time to file the results of its investigation into the new evidence of Witness EB because it "only received the report of the Forensic Document Examiner yesterday, 22 June 2005 and, in light of the outcome of the report, deems it necessary to make further enquiries in order to present the Appeals Chamber with a thorough and proper analysis of the reliability of the new evidence of Witness EB";²

CONSIDERING that "a motion for an extension of time may, in accordance with existing practice, be disposed of without giving the other party the opportunity to respond to the motion if, on the face of the motion, the Appeals Chamber [...] is of the opinion that no prejudice would be caused to the other party";³

FINDING that a two-week extension of time is warranted and would not cause prejudice to the other parties;

HEREBY

¹ Decision on Appellant Hassan Ngeze's Motions for the Admission of Additional Evidence on Appeal, 24 May 2005, paras 43 and 48.

² Motion, para. 4.

³ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, 18.

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ORDERS the Prosecution to submit the results of its further investigation into the reliability of Witness EB's new evidence not later than 7 July 2005;

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

Done at The Hague, The Netherlands, on 28 June 2005.



Theodor Meron
Presiding Judge

[Seal of the Tribunal]

