



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

6145/A
MBJ

ICTR-99-52-A
08-12-2005
(6145/A - 6143/A)

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Andréia Vaz, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 7 December 2005

Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-52-A

2005
12/08/05
A. V. 9.05
MBJ

**CORRIGENDUM TO THE "DECISION ON JEAN-BOSCO BARAYAGWIZA'S
AND HASSAN NGEZE'S URGENT MOTIONS FOR EXTENSION OF PAGE
AND TIME LIMITS FOR THEIR REPLIES TO THE CONSOLIDATED
PROSECUTION RESPONSE"**

Counsel for Hassan Ngeze

Mr. Bharat B. Chadha
Mr. Behram N. Shroff

Office of the Prosecutor

Mr. James K. Stewart
Mr. Neville Weston

Counsel for Ferdinand Nahimana

Mr. Jean-Marie Biju-Duval
Ms. Diana Ellis

Counsel for Jean-Bosco Barayagwiza

Mr. D. Peter Herbert
Mr. Tanoo Mylvaganam

MBJ

6144/A

I, **ANDRÉSIA VAZ**, 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 “Tribunal”, respectively) and Pre-Appeal Judge in this case;¹

NOTING the Pre-Appeal Judge’s “Decision on Jean-Bosco Barayagwiza’s and Hassan Ngeze’s Urgent Motions for Extension of Page and Time Limits for Their Replies to the Consolidated Prosecution Response” filed on 6 December 2005 at The Hague (“Decision”, “Appellant Barayagwiza’s Motion” and “Appellant Ngeze’s Motion”, respectively), which dismissed Appellants Barayagwiza’s and Ngeze’s requests for an extension of the page limit to their Appellant’s briefs in reply, but granted an extension of the time limit for the same;

NOTING that the “Reply to the Prosecutor’s Response of 5th December and Response to the Registrar’s Submission Dated 1st December 2005” (“Reply”, “Prosecutor’s Response” and “Registrar’s Submission”, respectively) was filed by Hassan Ngeze on 5 December 2005 in Arusha but received at The Hague only on 6 December 2005 after the Decision had been filed;

NOTING that the Decision stated that the “the Appellant Ngeze has not yet filed a reply to the Prosecution Response to Ngeze’s Motion”;²

CONSIDERING that, with regard to the Prosecution Response, the Reply simply reiterates the arguments put forward in Appellant Ngeze’s Motion;

NOTING that, in response to the Registrar’s Submission, Appellant Ngeze refers to the resignation from the appeal proceedings tendered by his Co-Counsel effective 30 November 2005;³

CONSIDERING that this matter was brought by Appellant Ngeze to the attention of the Tribunal’s Defence Counsel and Detention Management Section in his Letter of 1 December

¹ *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Order of the Presiding Judge Designating the Pre-Appeal Judge, 19 August 2005; *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Corrigendum to the Order of the Presiding Judge Designating the Pre-Appeal Judge, 25 August 2005.

² Decision, p. 2.

³ Reply, paras 7 – 11.

AV

6143/A

2005⁴ and that the Appeals Chamber has not yet been informed of any further development in relation to this matter;

CONSIDERING also that the Decision took note of the Registrar's Submission but did not base its findings thereon;

FINDING, therefore, that even if the Reply had been received by the Pre-Appeal Judge before the Decision was filed, the outcome of the Decision would have been the same;

FOR THE FOREGOING REASONS,

ORDER that the third paragraph on page 3 of the Decision be changed as follows: "NOTING the "Reply to the Prosecutor's Response of 5th December and Response to the Registrar's Submission Dated 1st December 2005" filed by Hassan Ngeze on 5 December 2005;

ALSO ORDER that the third line of the second paragraph on page 7 of the Decision be changed as follows: "[...] is suspended until 31 March 2006 [...]" instead of "[...] is suspended until 31 March 2005 [...]".

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



Andréia Vaz
Pre-Appeal Judge

Dated this 7th day of December 2005,
At Arusha, Tanzania

[Seal of the Tribunal]



⁴ *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Letter Re: Resignation of Behram Shroff, Co-Counsel, 1 December 2005.