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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-99-52-A
27 November 2006
(8856/H - 8855/H)

P.T.

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Andréia Vaz, Pre-Appeal Judge
Registrar: Mr. Adama Dieng
Decision of: 27 November 2006

ICTR Appeals Chamber

Date: 27 November 2006
Action: P.T.

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Ferdinand NAHIMANA
Jean-Bosco BARAYAGWIZA
Hassan NGEZE
(Appellants)

v.

THE PROSECUTOR
(Respondent)

Case No. ICTR-99-52-A

**DECISION ON THE PROSECUTOR'S MOTION TO BE RELIEVED FROM
FILING THE APPEAL BOOK AND BOOK OF AUTHORITIES**

Counsel for Ferdinand Nahimana
Mr. Jean-Marie Biju-Duval
Ms. Diana Ellis

Office of the Prosecutor
Mr. James Stewart
Mr. Neville Weston
Mr. Abdoulaye Seye

Counsel for Jean-Bosco Barayagwiza
Mr. Donald Herbert
Mr. Tanoo Mylvaganam

Counsel for Hassan Ngeze
Mr. Bharat B. Chadha
Mr. Behram Shroff

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *Tchidinbo, Patrice*
SIGNATURE: *[Signature]* DATE: *27/11/06*

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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 the Pre-Appeal Judge in this case;¹

BEING SEIZED OF the "Prosecutor's Motion to Be Relieved from Filing the Appeal Book and Book of Authorities" ("Prosecution" and "Motion", respectively) filed on 24 November 2006, in which the Prosecution requests to be relieved from its obligation under Rule 117bis of the Tribunal's Rules of Procedure and Evidence ("Rules"), notably in light of the "planned amendments to the [...] Rules" and "little practical purpose" of such filings;

NOTING that the Appellants have not yet responded to the Motion;

CONSIDERING, however, that this Motion may be disposed of without giving the Appellants the opportunity to respond to it, since no prejudice will be caused to the Appellants;²

NOTING that the amended Rules entered into force on 10 November 2006 and that they do not contain Rule 117bis or any obligation to file an Appeal Book or a Book of Authorities;

FINDING therefore that the Motion is moot;

FOR THE FOREGOING REASONS,

DISMISSES the Motion.

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

Dated this 27th day of November 2006,
At The Hague, The Netherlands



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 Cf. Rule 108bis(B) of the Rules.