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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-99-52A-R
15 July 2008
(65/H - 63/H)

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andrésia Vaz
Judge Theodor Meron

Registrar: Mr. Adama Dieng

Order of: 15 July 2008

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Jean-Bosco BARAYAGWIZA

v.

THE PROSECUTOR

Case No. ICTR-99-52A-R

ICTR Appeals Chamber
Date: 15 July 2008
Action: P.T.
Copied To: Concerned Judges
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LX, Archives

ORDER TO THE REGISTRAR REGARDING COMMUNICATION OF DOCUMENTS

The Applicant

Mr. Jean-Bosco Barayagwiza, *pro se*

The Office of the Prosecutor

Mr. Hassan Bubacar Jallow

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: Patricia Tchidimka
SIGNATURE: DATE: 15/07/08

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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 and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively),

BEING SEIZED of the "*Requête aux fins de reconsidération de la décision du 11 avril 2008 et de protection des droits fondamentaux du requérant Jean-Bosco Barayagwiza*", filed by Jean-Bosco Barayagwiza ("Applicant") on 2 May 2008 ("Motion");

NOTING that the Applicant, *inter alia*, submits that the Registrar has failed to provide various documents which the Applicant had previously requested with a view to preparing a possible request for review of the Judgement rendered by the Appeals Chamber on 28 November 2007 in *Ferdinand Nahimana et al. v. The Prosecutor*, Case No. ICTR-99-52-A;¹

NOTING that the Applicant requests that the Appeals Chamber order the Registrar to ensure that the Applicant has access to certain documents retained by the Registrar or which the Registrar is able to obtain;²

NOTING that the Registrar had given his assurances that some of the documents in question would be provided to the Applicant by the Tribunal's Defence Counsel and Detention Management Section by Monday, 17 March 2008, and the remaining documents by the Court Management Section of the Registry "at its earliest opportunity";³

CONSIDERING that for the purpose of deciding the merits of the Motion, the Appeals Chamber needs to be informed whether or not the requested documents were communicated to the Applicant;

FOR THE FOREGOING REASONS,

HEREBY ORDERS the Registrar, pursuant to Rule 33(B) of the Rules of Procedure and Evidence, to make a written submission to the Appeals Chamber, within seven days of the filing of this Order,

- specifying the requested documents, if any, which, to date, have not been communicated to the Applicant; providing reasons for such delay; and indicating when the outstanding documents, if any, will be communicated; and

¹ Motion, para. 26(5), referring to "The Registrar's Submissions Regarding the '*Recours très urgent de Jean-Bosco Barayagwiza contre le refus du Greffier de répondre à la demande d'assistance juridique en vue de la révision et/ou réexamen de l'Arrêt du 28 novembre 2007*'", filed on 14 March 2008 ("Registrar's Submissions"), para. 10 (iv), (vi).

² Motion, para. 29(c).

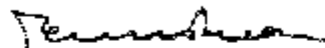
³ Registrar's Submissions, para. 10 (iv), (vi).

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- should the Registrar not be in the position to provide any of the requested documents, specifying reasons therefor.

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

Done this 15th day of July 2008,
At The Hague, The Netherlands.



Fausto Pocar
Presiding Judge

