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ICTR-01-63-A
2-9-2009
(853/A-851/A)

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Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

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2009 SEP -2 P 5: 09

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Order of: 2 September 2009

SIMÉON NCHAMIHIGO

v.

THE PROSECUTOR

Case No. ICTR-2001-63-A

JUDICIAL RECORDS/ARCHIVES
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2009 SEP -2 P 5: 12

**ORDER CONCERNING PROSECUTION'S RESPONSE AND APPELLANT'S
REPLY TO SIMÉON NCHAMIHIGO'S MOTIONS TO ADMIT
ADDITIONAL EVIDENCE**

Counsel for Mr. Siméon Nchamihigo

Mr. Denis Turcotte
Ms. Nathalie Leblanc

Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Mr. George Mugwanya
Ms. Inneke Onsea
Ms. Renifa Madenga
Ms. Evelyn Kamau
Mr. William Mubiru
Ms. Priyadarshini Narayanan
Ms. Aisha Kagabo

CENTRAL REGISTRY

- 2 SEP 2009

**ACTION:
COPY 1:**

APPEALS/CONS

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I, FAUSTO POCAR, Pre-Appeal Judge in this case,¹

NOTING the Trial Judgement rendered orally by Trial Chamber III of the Tribunal in this case on 24 September 2008 and the written Trial Judgement filed on 12 November 2008;²

NOTING the "*Requête de l'Appelant demandant la permission de présenter devant la chambre d'appel des moyens de preuve supplémentaires*", and the "*Seconde requête de l'Appelant demandant la permission de présenter des moyens de preuve supplémentaires*", filed by Siméon Nchamihigo ("Appellant") on 14 August 2009 (collectively, "Motions");³

NOTING that, pursuant to paragraphs 13 and 14 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal,⁴ a response to a motion filed pursuant to Rule 115 of the Rules of Procedure and Evidence of the Tribunal ("Rules") must be filed within 30 days of the filing of such a motion and a reply must be filed within 14 days of the filing of the response;

CONSIDERING that, pursuant to Rule 108bis(B) of the Rules, the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters with a view to preparing the case for a fair and expeditious hearing;

CONSIDERING that, pursuant to paragraph 19 of the Practice Direction, "a Pre-Appeal Judge may vary any time-limit prescribed under this Practice Direction";

CONSIDERING that the hearing of the appeal in this case is scheduled for 29 September 2009;⁵

CONSIDERING that, in the interests of preparing the case for a fair and expeditious hearing, it is advisable that the filings in relation to the Motions be completed prior to the hearing of this appeal;

ORDER the Prosecution to file any response to the Motions by Thursday, 10 September 2009; and

FURTHER ORDER the Appellant to file any reply within 8 days of the filing of the Prosecution's response.

¹ Order Designating a Pre-Appeal Judge, 29 April 2009.

² *The Prosecutor v. Siméon Nchamihigo*, Case No. ICTR-01-63-T, Judgement and Sentence, 12 November 2008 ("Trial Judgement"). A French translation of the Trial Judgement was filed on 6 February 2009.

³ *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-01-63-A, *Requête de l'Appelant demandant la permission de présenter devant la chambre d'appel des moyens de preuve supplémentaires*, confidential and public redacted versions filed on 14 August 2009; *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-01-63-A, *Seconde requête de l'Appelant demandant la permission de présenter des moyens de preuve supplémentaires*, 14 August 2009.

⁴ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal, 8 December 2006 ("Practice Direction").

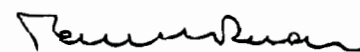
⁵ *Siméon Nchamihigo v. The Prosecutor*, Case No. ICTR-01-63-A, Scheduling Order, 22 July 2009.

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

Done this 2nd day of September 2009,
At The Hague,
The Netherlands.



Judge Fausto Pocar
Pre-Appeal Judge

[Seal of the Tribunal]

