



UNITED NATIONS
NATIONS UNIES

Tribunal pénal international pour le Rwanda
International Criminal Tribunal for Rwanda

690/H

DX

ICTR-05-88-A
10th June 2010
{690/H - 689/H}

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 10 June 2010

CALLIXTE KALIMANZIRA

v.

THE PROSECUTOR

Case No. ICTR-05-88-A

**DECISION DEFERRING CONSIDERATION OF KALIMANZIRA'S MOTION
FOR THE ADMISSION OF ADDITIONAL EVIDENCE ON APPEAL**

Counsel for Callixte Kalimanzira:

Mr. Arthur Vercken
Ms. Anta Guissé

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Alex Obote-Odora
Mr. Alphonse Van
Ms. Charity Kagwi
Mr. François Nsanzuwera
Ms. Clair Duffy

ICTR Appeals Chamber

Date: 10th June 2010

Action: A. Jumeq

Copied To: Concerned Judges, SLO's, LO's,
Parties, CM, LSS.

J. Jumeq

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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NAME / NOM: KOFFI KUMELI A. AEFANDE

SIGNATURE: *Koffi Kumeli* DATE: 10 JUNE 2010

I, **Theodor Meron**, 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 and 31 December 1994 ("Tribunal") and Pre-Appeal Judge in this case;

RECALLING the Scheduling Order issued on 20 May 2010 which set the date of the appeal hearing in this case for Monday, 14 June 2010, in Arusha, Tanzania;

BEING SEIZED OF the "Motion to Admit Additional Evidence", filed confidentially by Callixte Kalimanzira on 12 March 2010 ("Motion");

NOTING the "Prosecutor's Response to 'Motion to Admit Additional Evidence'", filed on 12 April 2010;

NOTING FURTHER that Kalimanzira did not file a reply;

CONSIDERING that Rule 115(C) of the Tribunal's Rules of Procedure and Evidence ("Rules") states that the Appeals Chamber may decide a motion for the admission of additional evidence "prior to the appeal, or at the time of the hearing on appeal";

CONSIDERING that Rule 108bis(E) of the Rules provides that "[a] motion made in the course of the proceedings shall be determined before the hearing unless the Pre-Appeal Judge, for good cause, orders that it be deferred for determination by the Appeals Chamber";

CONSIDERING, after having consulted the bench in this case, that there is good cause to defer the determination of the Motion in view of the proper preparation of the case for a fair and expeditious hearing and to allow full consideration in light of the arguments on the merits of the appeal;

FOR THE FOREGOING REASONS

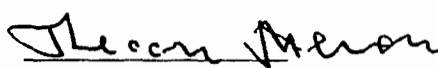
DEFER the determination of the Motion until after the hearing of the appeal.

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

Done this 10th day of June 2010,
At The Hague,
The Netherlands.



[Seal of the Tribunal]


Judge Theodor Meron
Pre-Appeal Judge