



UNITED NATIONS  
NATIONS UNIES



Tribunal Pénal International pour le Rwanda  
International Criminal Tribunal for Rwanda

2344  
*Jur*

IN THE APPEALS CHAMBER

Before: Judge Claude JORDA, Presiding  
Judge Lal Chand VOHRAH  
Judge Mohamed SHAHABUDDEEN  
Judge Rafael NIETO-NAVIA  
Judge Fausto POCAR

Registrar: Mr. Agwu U OKALI

Decision of: 12 July 2000

ICTR-96-4-A  
25<sup>th</sup> July 2000  
(2344-2342)

Jean-Paul AKAYESU  
(Appellant)

v.

THE PROSECUTOR  
(Respondent)

Case No.: ICTR-96-4-A

*2069-2000*  
*J. J. J.*  
JUDICIAL RECORDS ARCHIVES  
ICTR

2000 JUL 21 A 4 51

**DECISION**  
(Prosecution's Motion for Admission of New Evidence on Appeal)

Counsel for Samuel IMANISHIMWE

Mr. John PHILPOT  
Mr. André TREMBLAY

Counsel for the Prosecutor

Mr. Upawansa YAPA  
Mr. ZHU Wen-qi  
Mr. Norman FARRELL  
Mr. Karim KHAN

2343

**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 (“the Appeals Chamber” and “the Tribunal” respectively),

**NOTING** the “Motion for Extension of Time Limits For Appeal and For Admission of New Evidence on Appeal Pursuant to Rules 115 and 116 of the Rules of Procedure and Evidence” filed on 22 September 1999 by the Appellant;

**NOTING** the “Decision (Concerning Motions 2, 3, 4, 5, 6 and 8 of the Appellant’s Brief Relative to the Following Motions Referred to by the Order dated 30 November 1999)” wherein the Appeals Chamber granted the Appellant leave to amend his Notice of Appeal and, in order to establish his grounds of appeal, to submit the following parts of the hearing in the case of *The Prosecutor v. G. Rutaganda*: the cover page and pages 73, 74, 75, 112, 113 and 114 of the [French version of the] transcript of the 14 October 1997 hearing;

**NOTING** the “Prosecution’s Motion for Admission of Additional Evidence on Appeal Following the Appeals Chamber’s Decision of 24 May 2000” (the “Prosecution’s Motion”), in which the Prosecutor seeks leave to submit, as additional evidence on appeal, the following documents: (1) pages 84 to 87 of the French version of the transcript of the 14 October 1997 hearing in the case of *The Prosecutor v. G. Rutaganda*; (2) pages 119 to 126 of the French version of that same transcript; and (3) pages 109 to 117 of the English version thereof;

**NOTING** that in support of its Motion the Prosecution argues that the extracts whose admission is sought are useful in interpreting the other extracts of the same transcript which the Defence has been granted leave to use in support of its arguments; that those extracts therefore have the same probative force as those already admitted as additional evidence on appeal since they come from the same source, namely, the 14 October 1997 hearing; and that by admitting those extracts the Appeals Chamber will have a better appreciation of the events which took place during the 14 October 1997 hearing, events which appear to form one of the Appellant’s grounds of appeal;

2342

**NOTING** the Appellant's Response of 16 June 2000 in which he requests the Appeals Chamber to accept the Prosecution's Motion and admit the requested documents as evidence on appeal;

**CONSIDERING** that the Prosecutor's request to produce more information about that hearing by producing other extracts from the transcript is such as to assist in making the truth manifest;

**NOTING** that the considerations which prevailed in the Appeals Chamber's granting the Appellant's request to produce extracts of the transcript of the 14 October 1997 hearing apply also to the Prosecution's Motion;

**FOR THESE REASONS:**

**GRANTS** the Prosecutor leave to submit as additional evidence the documents listed below, comprising excerpts from transcripts of the 14 October 1997 hearing in *The Prosecutor v. G. Rutaganda*:

- (1) Pages 84 to 87 and 119 to 126 of the French version of the transcript;
- (2) Pages 109 to 117 of the English version of the transcript.

s./

Claude Jorda  
Presiding

Dated this twelfth day of July 2000  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]