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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

Case No: ICTR-97-19-AR72

Date: 8 December 1999

ENGLISH

Original: French

IN THE APPEALS CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Lal Chand Vohrah
Judge Mohamed Shahabuddeen
Judge Wang Tieya
Judge Rafael Nieto-Navia

Registrar: Mr. Agwu U. Okali

Decision of: 8 December 1999

1999 DEC -8 P 5:58
ICTR
CRIMINAL REGISTRY
RECEIVED

JEAN-BOSCO BARAYAGWIZA

v.

THE PROSECUTOR

ORDER

Counsel for the Appellant:
Mr. Justry P. L. Nyaberi

The Office of the Prosecutor:
Madam Carla Del Ponte

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 Decision given by the Appeals Chamber in this matter on 3 November 1999 ("the Decision");

NOTING the "Request by the Government of the Republic of Rwanda for Leave to Appear as *amicus curiae* pursuant to Rule 74" filed by the Government of Rwanda on 19 November 1999;

NOTING the Order issued by the Appeals Chamber on 25 November 1999 which, for the reasons given therein, ordered a stay of the Decision;

NOTING the "Extremely Urgent Appellant's Response to the Prosecutor 'Notice on Intention to File Request for Review of Decision of the Appeals Chamber of 3 November 1999'" filed on 24 November 1999 and received by the Appeals Chamber on 25 November 1999;

NOTING the letter from the Appellant to the President of the Appeals Chamber concerning the Appeals Chamber Order of 25 November 1999, filed on 27 November 1999, which states that it was copied to the Prosecutor;

NOTING the "Prosecutor's Motion for Review or Reconsideration of the Appeals Chamber Decision rendered on 3 November 1999 in *Jean-Bosco Barayagwiza v. the Prosecutor* and Request for Stay of Execution", filed on 1 December 1999 ("the Motion for Review");

ORDERS as follows:

- 1) The stay ordered by the Appeals Chamber on 25 November 1999 shall continue pending further order;

- 2) Until further ordered, the Appellant shall be held in custody on the same basis on which he was held immediately before the Decision;
- 3) Within 7 days from the date of this Order, the Prosecutor may file copies of any statements relating to new facts on which she relies in her Motion for Review which have not yet been filed;
- 4) Within 14 days from the expiration of the 7 days referred to in paragraph (3) above, the Appellant may file a response to the filings of the Prosecutor;
- 5) Within 7 days from the expiration of the 14 days referred to in paragraph (4) above, the Prosecutor may file a reply to any response filed by the Appellant;
- 6) The Appeals Chamber will then issue a scheduling order setting a date for oral arguments as to:
 - a) whether the Prosecutor's Motion for Review should or should not be granted, and if so
 - b) whether the relief sought by the Prosecutor should or should not be granted,the likely date of any oral hearing being in the course of a session which the Appeals Chamber will hold in Arusha from 15 to 20 February 2000;
- 7) At the said oral hearing, the Government of Rwanda may appear as *amicus curiae* with respect to the modalities of the release of the Appellant, if this question is reached.

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

(signed)

Claude Jorda
Presiding Judge

Dated this eighth day of December 1999
At The Hague
The Netherlands.

[Seal of the Tribunal]

