



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

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ICTR-96-13-A
03-10-2001
(2124/A - 2122/A)

2124/A
04

**Office of the President
Bureau du Président**

Before: Judge Navanethem Pillay
President

Original: English

Registry: Adama Dieng

Decision of: 2 October 2001

ALFRED MUSEMA

versus

THE PROSECUTOR

ICTR-96-13-A

JUDICIAL RECORDS ARCHIVES
ICTR
RECORDED

2001 OCT - 31 A 10: 22

[Handwritten signature]
03/10/2001

**The President's authorisation to the Appeals Chamber to hold
hearings away from the seat of the Tribunal**

Counsel for the Appellant:

Steven Kay QC
Michaïl Wladimiroff

Office of the Prosecutor:

Carla Del Ponte

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal")

SITTING in the person of Judge Navanethem Pillay, President;

CONSIDERING that Alfred Musema (the "Appellant") has filed an appeal against the trial judgment of 27 January 2000 and an appeals judgment in respect thereof, is pending;

CONSIDERING that on 28 September 2001, the Appeals Chamber granted the Appellant leave to call two witnesses to testify on his behalf and scheduled the appearance of these witnesses for 17 October 2001;

CONSIDERING that, by letter of 27 September 2001, Judge Claude Jorda, the Presiding Judge of the Tribunal's Appeals Chamber, requested the President to authorise the Appeals Chamber to sit away from the seat of the Tribunal at the International Criminal Tribunal for the Former Yugoslavia (the "ICTY"), in The Hague, The Netherlands, for the purpose of holding hearings at which the testimony of the two witnesses will be taken and the appeals judgment will be rendered;

CONSIDERING that, in the aforementioned letter, Judge Jorda stated that the Appeals Chamber must complete the appeal proceedings before 16 November 2001, as the mandate of two of its members will expire on that date;

CONSIDERING that the travel of five Appeals Judges, their support staff and Counsel for the Prosecution and Defence, as well as their stay in Arusha for two hearings, would be of great expense to the Tribunal. This expense would be significantly reduced if the appeals hearings were to be held at The Hague;

CONSIDERING that the Appeals Judges are not expected to travel to Arusha until some time next year, the holding over of this appeal until then will result in delays and will not be in the interests of justice;

CONSIDERING that, pursuant to Rule 4 of the Tribunal's Rules of Procedure and Evidence (the "Rules"), the President may authorise a Judge or Chamber to exercise their functions away from the seat of the Tribunal, provided it is in the interests of justice;



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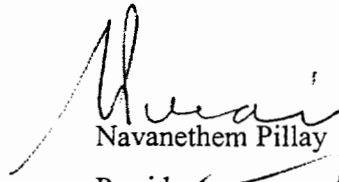
CONSIDERING that, pursuant to Rule 118(D) of the Rules, an appeals judgment shall be pronounced at a public hearing and the "parties and counsel" are entitled to be present;

ORDERS that:

- (i) it is in the interest of justice that the hearing of 17 October 2001 and the hearing in respect of the rendering of the appeals judgment, be held at the seat of the ICTY, The Hague, The Netherlands;
- (ii) The Appellant may be present at the appeals hearing scheduled for 17 October 2001, provided the witnesses have expressed their willingness to testify and will be available on that day;
- (iii) The Appellant may also be present at a hearing to be scheduled for the rendering of the appeals judgment;
- (iv) If the Appellant does not waive his right to be present at these hearings, he shall be transferred to The Hague and detained at the ICTY Detention Facility, pending the judgment of the Appeals Chamber and until subsequent orders for his release or continued detention;

DIRECTS the Registrar of the Tribunal to make all arrangements in this regard.

Arusha, 2 October 2001


Navanethem Pillay
President

(Seal of the Tribunal)

