

ICTR-97-20-A

30 MARCH 2004
(1177/H - 1175/H)

1177/H



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron, Presiding Judge
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Fausto Pocar
Judge Inés Mónica Weinberg de Roca

Registrar :

Mr. Adama Dieng

Decision of:

30 March 2004

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Laurent SEMANZA

v.

THE PROSECUTOR

Case No. ICTR-97-20-A

ICTR Appeals Chamber
Date: 30 - iii - 04
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**DECISION ON AMICUS CURIAE APPLICATION OF PAUL
BISENGIMANA**

Counsel for the Appellant

Mr. Charles Taku
Mr. Philip Baten

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett
Me. Maymuchka Lauriston

Counsel for the Applicant

Ms. Catherine Mabilie

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Tribunal pénal international pour le Rwanda
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1176/H

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 ("Appeals Chamber" and "International Tribunal", respectively),

BEING SEISED OF the "Urgent Motion by Paul Bisengimana for Leave to Appear as *Amicus Curiae* in Laurent Semanza's Case on Appeal"¹ filed on 19 February 2004 by Paul Bisengimana, an accused currently awaiting trial at the International Tribunal² ("Application"), in which he seeks to participate as *amicus curiae* in the appeal against the *Semanza* Judgement and requests the Appeals Chamber to order that all references to his name be redacted from the *Semanza* Judgement and to issue a *corrigendum* to the *Semanza* Judgement;

NOTING the "Reply of Laurent Semanza to Paul Bisengimana's Requête Urgente de Paul Bisengimana aux fins d'obtenir l'autorisation d'intervenir en qualité d'amicus curial [sic] dans la cause en appel de Laurent Semanza" filed on 23 February 2004,³ in which the Appellant Semanza does not oppose the Application;

NOTING the "Prosecution Response to Requête Urgente de Paul Bisengimana aux fins d'obtenir l'autorisation d'intervenir en qualité d'amicus curiae dans le [sic] cause en appel de Laurent Semanza" filed on 1 March 2004, in which the Prosecution opposes the Application;

NOTING that the Prosecution's further "Réponse à la 'Requête Urgente de Paul Bisengimana aux fins d'obtenir l'autorisation d'intervenir en qualité d'amicus curiae dans la cause en appel de Laurent Semanza,'" filed on 4 March 2004,⁴ was later withdrawn by correspondence dated 8 March 2004 and filed on 17 March 2004;

NOTING that Rule 74 of the Rules of Procedure and Evidence of the International Tribunal ("Rules") provides that "[a] Chamber may, if it considers it desirable for the proper determination

¹ The Appeals Chamber notes that this document was incorrectly titled with the case name "Paul Bisengimana contre le Procureur" and with the incorrect case number ICTR-2001-60-1. Notwithstanding these errors, the Appeals Chamber will consider this filing as part of the case of *Semanza v. Prosecutor*, Case No. ICTR-97-20-A.

² Case No. ICTR-00-60-I.

³ The Appeals Chamber notes that this document was incorrectly titled with the case name "Paul Bisengimana contre le Procureur" and with the case number ICTR-2001-60-1. The cover page of this document contains a further error in the handwritten notation of the Registry which identifies the document as belonging to Case No. ICTR-71-20-A or ICTR-91-20-A. Notwithstanding these errors, the Appeals Chamber will consider this filing as part of the case of *Semanza v. Prosecutor*, Case No. ICTR-97-20-A.

⁴ The Appeals Chamber notes that this document was incorrectly titled with the case name "Paul Bisengimana contre le Procureur" and with the case number ICTR-2001-60-1.

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of the case, invite or grant leave to any State, organization or person to appear before it and make submissions on any issue specified by the Chamber”;

FINDING, pursuant to Rule 74 of the Rules, that the proposed intervention of Paul Bisengimana would not assist the Appeals Chamber in the proper determination of the appeals from the *Semanza* Judgement;

CONSIDERING that the Appeals Chamber cannot order the redaction of a Trial Chamber Judgement but can only consider an appeal from it;

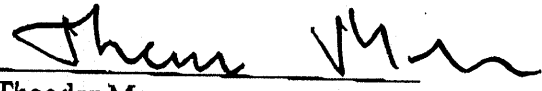
CONSIDERING furthermore that it will be the duty of the Trial Chamber that will hear the case of *Prosecutor v. Bisengimana* to respect the rights of the Applicant Bisengimana pursuant to Articles 19 and 20 of the Statute;

FOR THE FOREGOING REASONS,

DISMISSES the Application in its entirety.

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

Done this 30th day of March 2004,
At The Hague,
The Netherlands.



Theodor Meron
Presiding Judge



of the Tribunal

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International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

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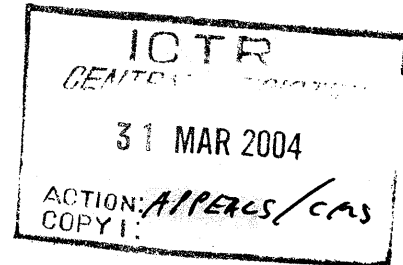
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