

ICTR-95-1A-A  
17 APRIL 2002  
(734/H - 732/H<sup>bis</sup>)

734



International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

**APPEALS CHAMBER**

**Before :** Claude Jorda, Pre-Hearing Judge  
**Registrar :** Adama DIENG  
**Decision of :** 20 March 2002

**THE PROSECUTOR**  
(Appellant)

c/

**IGNACE BAGILISHEMA**  
(Respondent)

Case N° ICTR-95-1A-A

ICTR  
INDICIALE RECHTSGERACHTSHOF  
RECHTZAAL

2002 APR 18 1 P 2:49

18/04/2002  
*[Signature]*

**DECISION**  
**ON THE MOTION FOR LEAVE TO PRODUCE A REJOINER TO THE PROSECUTION'S REPLY BRIEF**

**Office of the Prosecutor**

Upawansa YAPA  
Norman FARRELL  
Wen-qi ZHU  
Mathias MARCUSSEN  
Sonjia BOELART-SUOMINEN

**Counsel for the Defense**

François ROUX  
Maroufa DIABARA  
Valérie TOUSSAINT  
Wayn JORDASH

ICTR Appeals Chamber  
Date: 17/04/2002  
Action: P. Gyalinier  
Copied To: Concerned

Appeals Chamber  
Judges, their AHDs, the Parties,  
Appeals Unit in Arusha and  
Mr. John Hocking. Thanks.  
*[Signature]*  
17/04/2002.

**I, Claude Jorda**, Pre-Hearing Judge on appeal in the instant case,

**CONSIDERING** the Judgement Trial Chamber I pronounced on 7 June 2001 in the instant case ;

**CONSIDERING** the Notice of Appeal filed on 9 July 2001 by the Prosecutor (respectively "the Appeal" and the "Appellant") ;

**CONSIDERING** the Prosecutor's Appeal Brief (Further Reduced Version), filed by the Appellant on 19 December 2001;

**CONSIDERING** the Respondent's Brief in Reply and the Erratum to the Respondent's Brief in Reply, filed by Ignace Bagilishema ("the Respondent") respectively on 7 and 8 February 2002;

**CONSIDERING** the "Prosecution's Reply Brief" (the "Reply") filed by the Appellant on 25 February 2002;

**CONSIDERING** the Motion for leave to produce a Rejoinder to the Prosecution's Reply Brief (the "Motion"), filed by the Respondent on 13 March 2002;

**WHEREAS** in his Motion, the Respondent contends that "*in criminal procedure, it is the Accused's right to have the last word*" and that it would thus be "*contrary to the Respondent's fundamental rights not to be allowed to produce a Rejoinder if the need arose [...] after having been acquainted with the contents of the French version of the [Reply]*";

**CONSIDERING** that the Rules of Procedure and Evidence make no room for a Rejoinder in respect of appeals against judgement;

**CONSIDERING** that the Appeals Chamber may at its discretion, allow a written submission not provided for by the rules to be made, where such is warranted for a proper conclusion of the appeal,

**CONSIDERING**, however, that the Respondent has not acquainted himself with the contents of the Reply, still being translated, and therefore not in a position to show that a Rejoinder is called for in the instant case;

**FOR THESE REASONS,**

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<sup>1</sup> The Motion, p.2.

<sup>2</sup> Idem

**DISMISS** the Motion.

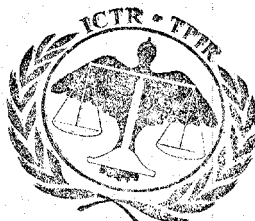
Done in French and English, the text in French being authoritative.

[signed]

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Claude Jorda  
Pre-Hearing Judge

Done at The Hague, The Netherlands, 20 March 2002.



**[Seal of the Tribunal]**