

5401/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 1994 and 31 December 1994 ("Appeals Chamber" and "Tribunal", respectively).

NOTING "Joseph Nziroera's Motion for Access to Appeal Briefs" ("Applicant" and "First Motion", respectively), filed on 8 July 2005, whereby the Applicant requested access to the Appellants' Briefs filed by the Appellants Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze in the present case;

NOTING that the Prosecution did not oppose the First Motion;¹

NOTING the "Decision on 'Joseph Nziroera's Motion for Access to Appeal Briefs'" issued on 9 September 2005 ("Decision") in which the Appeals Chamber, noting that the Appellant Jean-Bosco Barayagwiza had not yet filed his Appellant's Brief, *inter alia* found that "the Applicant shall, if deemed necessary, submit a new request to the Appeals Chamber to gain access to Jean-Bosco Barayagwiza's Appellant's Brief when it is filed";²

BEING SEISED OF "Joseph Nziroera's Second Motion for Access to Appeal Briefs", filed on 17 October 2005 ("Second Motion"), whereby the Applicant, *inter alia*, renews his request for disclosure of the Appellant's Brief filed by the Appellant Jean-Bosco Barayagwiza in the present case;³

NOTING that on 12 October 2005, the Appellant Jean-Bosco Barayagwiza filed a public (non-confidential) Appellant's Brief;⁴

CONSIDERING that leave from the Appeals Chamber for access to a public filing is not required;

FOR THE FOREGOING REASONS,

DISMISSES the Second Motion.

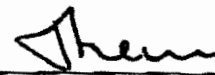
Done in English and French, the English text being authoritative.

¹ Prosecutor's Response to "Nziroera's Motion for Access to Appeal Briefs", filed on 25 July 2005, para. 1.

² Decision, p. 3.

³ Second Motion, para. 7.

⁴ Appellant's Appeal Brief, filed on 12 October 2005.



Theodor Meron
Presiding Judge



Dated this 27th day of October 2005,
At The Hague, The Netherlands



[Seal of the Tribunal]