

111/H



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

ICTR-01-76-AR
17 May 2006
(111/H - 109/E)

BEFORE THE PRE-APPEAL JUDGE

Before:

Judge Liu Daqun, Pre-Appeal Judge

Registrar:

Mr. Adama Dieng

Decision of:

17 May 2006

ICTR
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THE PROSECUTOR

ICTR Appeals Chamber

Date: 17 May 2006
Action: R.J.
Copied to: Sec Proof of Service

v.

Aloys SIMBA

Case No. ICTR-01-76-A

**NOTICE ON PROSECUTOR'S MOTION WITHDRAWING MOTION
REGARDING CONFIDENTIAL FILINGS**

Office of the Prosecutor

Mr. Hassan Bubacar Jallow
Mr. James Stewart

Counsel for Aloys Simba

Mr. Sadikou Ayo Alao
Ms. Beth Lyons

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL, SEEN BY ME
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NAME / NOM: KUMELIO, KOFFI, A., SEANDE
SIGNATURE: [Signature] DATE: 17 May 2006

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I, LIU DAQUN, Judge of 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 ("Tribunal") and Pre-Appeal Judge in this case;¹

NOTING the Prosecutor's Motion Regarding Confidential Filings, filed by the Office of the Prosecutor on 13 April 2006 ("Prosecution" and "Motion Regarding Confidential Filings", respectively), in which the Prosecution requests: (i) the Appeals Chamber to lift the confidentiality of a request filed by Aloys Simba on 7 April 2006;² and (ii) the Appeals Chamber to issue an order directing the parties to file on a confidential basis only when a confidential filing serves the interests of justice;³

NOTING that by the Prosecutor's Motion Withdrawing Motion Regarding Confidential Filings filed on 10 May 2006, the Prosecution withdraws the Motion Regarding Confidential Filings;

NOTING the Practice Direction on Withdrawal of Pleadings of 24 April 2001 ("Practice Direction") which states as follows:

A party seeking to withdraw a motion, counter motion, or a response to a motion, shall do so by filing a notice of withdrawal with the Registry or, if the matter is before the Trial Chamber, by an oral communication to the Chamber. It shall not be necessary for the party to file a further motion requesting leave of the Trial Chamber for the withdrawal.

RECALLING that pursuant to Rule 108 bis(B) the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measures related to procedural matters;

HEREBY RECOGNISE the Motion Regarding Confidential Filings as withdrawn.

¹ See Order Appointing a Pre-Appeal Judge, 24 January 2006.

² See *Requête en extrême urgence de la Défense en vue d'obtenir un report de délai pour répondre à la Requête du Procureur en modification de son Acte d'appel et déposer son Mémoire en réponse au Mémoire du Procureur (Articles 116B) et 112 du RPP*, confidentially filed on 6 April 2006, by Aloys Simba. The confidentiality of this Motion was lifted in the Decision on Respondent's Motion for Extension of Time, filed on 13 April 2006.

³ Motion Regarding Confidential Filings, para. 4.

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

Done this 17th day of May 2006,
At The Hague,
The Netherlands.



[Seal of the Tribunal]

A handwritten signature in black ink, appearing to read "Liu Daqun", is written over a horizontal line.

Liu Daqun
Pre-Appeal Judge