



ICTR-01-76-A
17-08-2007
(3663 - 3661)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

3663
IWAH

TRIAL CHAMBER I

Before: Judge Erik Mose
Registrar: Adama Dieng
Date: 17 August 2007

THE PROSECUTOR

v.

Aloys SIMBA

Case No. ICTR-01-76-A

2007 AUG 17 A 9:24
Erik Mose

**RULING ON DEFENCE REQUESTS FOR REVIEW OF TRIAL JUDGEMENT AND
ON PROSECUTION MOTION**

Office of the Prosecutor:

Richard Karegyesa
Sulaiman Khan
Ignacio Tredici
Amina Ibrahim

Counsel for the Defence

Sadikou Ayo Alao
Beth Lyons

Elm

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Judge Erik Mose, designated by the Trial Chamber pursuant to Rule 73 of the Rules of Procedure and Evidence;

CONSIDERING the "Extremely urgent Defence motion for review of the ICTR Trial Chamber Judgement" etc., filed on 22 July 2006; the Prosecution response and its withdrawal thereof, filed respectively on 10 and 31 August 2006;

CONSIDERING the Defence "Requête en extrême urgence de la défense en vue d'obtenir un report de délai pour répliquer à la réponse du Procureur" etc., filed on 23 August 2006; the Prosecution response and corrigendum thereto, dated 24 and 30 August 2006, respectively;

CONSIDERING the Prosecution motion for clarification and additional relief, dated 30 August 2006; the Defence response and Prosecution reply, filed respectively on 6 and 8 September 2006;

HEREBY DECIDES THE MOTIONS.

1. On 22 July 2006, the Defence filed a request for review of the *Simba* Judgement, which was rendered by Trial Chamber I on 13 December 2005. The Defence simultaneously filed a separate motion before the Appeals Chamber for a stay of the appeal proceedings and the return of the case to the Trial Chamber for deliberation on the review motion. To this motion before the Appeals Chamber, the Defence attached its request for review which it filed before the Trial Chamber. On 10 August 2006, the Prosecution filed its response to the request for review, before the Appeals Chamber. It informed the Trial Chamber of the filing.

2. On 23 August 2006, the Defence requested the Trial Chamber to extend the time to reply to the Prosecution response. The Defence filed a similar request before the Appeals Chamber. On 31 August 2006, the Prosecution withdrew its response before the Appeals Chamber. On 18 September 2006, the Appeals Chamber dismissed the Defence request for extension of time.¹

3. On 30 August 2006, in a motion for clarification, the Prosecution asked the Trial Chamber to dismiss the request for review and direct the Defence to file it before the Appeals Chamber. On 11 September 2006, the Defence filed a new request for review before the Appeals Chamber.

4. On 9 January 2007, the Appeals Chamber rendered a decision which addressed and dismissed the request for review. In the decision, the Appeals Chamber found that the request for review was "properly filed" before it, and considered itself best placed to decide the request.² Consequently, it is not for the Trial Chamber to decide the Defence requests and the Prosecution motion. In order to dispel any lack of clarity, this decision states this explicitly.

¹ Decision on Defence motion for extension of time to reply to the Prosecutor's response to a motion for review (AC), 18 September 2006.

² Decision on Aloys Simba's requests for suspension of appeals proceeding and review (AC), 9 January 2007.

FOR THE ABOVE REASONS, THE CHAMBER

DECIDES THAT the Defence requests for review and for time extension, and the Prosecution motion for clarification and additional relief, all filed before Trial Chamber I, are moot.

Arusha, 17 August 2007



Erik Møse
Presiding Judge

[Seal of the Tribunal]

