



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

TRIAL CHAMBER DESIGNATED PURSUANT TO RULE 11 *BIS*

Before Judges: Khalida Rachid Khan, presiding
Asoka de Silva
Emile Francis Short

Registrar: Mr. Adama Dieng

Date: 20 March 2008

THE PROSECUTOR

v.

ILDEPHONSE HATEGEKIMANA

Case No. ICTR-00-55B-R11*bis*

**DECISION ON AMICUS REQUESTS AND PENDING DEFENCE MOTIONS
AND ORDER FOR FURTHER SUBMISSIONS**

Office of the Prosecutor:

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Defence Counsel:

Roberto Ahlonko Dovi
Atu-Quam Claude Dovi-Avouyi

INTRODUCTION

1. The Prosecution has requested that Mr. Hategekimana's case, currently in the pre-Trial phase before the Tribunal,¹ be referred to the authorities of Rwanda for adjudication before the appropriate Rwandan court pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence.² In accordance with Rule 11 *bis* (A),³ the President designated a Trial Chamber to decide the Referral Request, comprising Judges Khalida Rachid Khan, presiding, Asoka de Silva, and Emile Francis Short.⁴
2. On 4 December 2007, the Trial Chamber granted the Republic of Rwanda's request to make submissions in support of the Referral Request, inviting the Republic of Rwanda to file its submissions within 14 days of receipt of the Decision.⁵ In the same Decision, the Trial Chamber reserved final determination of the remaining requests to make submissions as *amici curiae* – from the Kigali Bar Association, the ICDA, and ADAD – until it received the submissions of the Defence and the Republic of Rwanda.⁶ On 11 December 2007, the Defence filed a request to be allowed to respond to the Republic of Rwanda.⁷ It renewed this request on 14 January 2008.⁸ The Defence also filed a request to be allowed to respond to the Kigali Bar Association on that date.⁹
3. On the same day, the Trial Chamber ordered the Defence to respond to the Referral Request within 14 days of receipt of the complete French version of the Referral Request and annexes.¹⁰

¹ On 9 November 2007, Mr. Hategekimana made a further appearance following the filing of an Amended Indictment on 1 October 2007.

² Prosecutor's Request for the Referral of the Case of Idelphonse Hategekimana to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, filed 7 September 2007 ("Referral Request").

³ Unless specified otherwise, all Rules referred to in this Decision are from the Rules of Procedure and Evidence.

⁴ Designation of a Trial Chamber for the Referral of the Case of Idelphonse Hategekimana to Rwanda (President), 2 October 2007.

⁵ Decision on Requests by the Republic of Rwanda, the Kigali Bar Association, the ICDA, and ADAD for Leave to Appear and Make Submissions as Amici Curiae, 4 December 2007 ("First *Amicus Curiae* Decision").

⁶ *Ibid.*, para. 7.

⁷ Requete de la Defense a La Chambre III Suite a la Decision du 04/12/07 Portant: Decision on Requests by the Republic of Rwanda, the Kigali Bar Association, the ICDA, and ADAD, for Leave to Appear and Make Submissions as Amicus Curiae, filed 11 December 2007 ("Defence Request to Respond to Rwanda's Brief").

⁸ Requete de la Defense en Rappel de sa Demande d'Autorisation du 07 Dec 2007 a Former les Dires et Observations aux Soumissions Amicus Curiae du Rwanda, et, Demandes de Delai et de Traduction, filed 14 January 2008.

⁹ Requete de la Defense aux fins d'etre Autorisee a former des Dires et Observations sur Les Soumission du Bareau de Kigali en Qualite Amicus Curiae, filed 14 January 2008 ("Defence Request to Respond to Kigali Bar Association").

¹⁰ Scheduling Order for Filing of Submissions by the Parties, 4 December 2007 ("First Scheduling Order").

4. The Defence filed its response on 19 December 2007.¹¹ On 4 January 2008, the Chamber granted the Prosecution's request for additional time to file its reply to the Defence Response.¹² The Prosecution filed its Reply to the Defence Response on 11 January 2008,¹³ and a Corrigendum to the Reply on 24 January 2008.¹⁴ On 14 January 2008, the Defence filed a request to be served documents only in French, and to be allowed to file a rejoinder to the Prosecution's Reply fifteen days after it received the French translation of that Reply.¹⁵ The Prosecution responded to this Defence Request, as well as the Defence's earlier requests that it be allowed to reply to Rwanda and the Kigali Bar Association.¹⁶

5. The Chamber received the submissions of the Republic of Rwanda on 10 January 2008,¹⁷ along with a request for an extension of time to file its brief.¹⁸ The Defence responded to the Republic of Rwanda's request for extension of time,¹⁹ and Rwanda replied.²⁰

6. There have been two additional requests pursuant to Rule 74 since the Chamber's First *Amicus Curiae* Decision. On 9 January 2008, the Rwandan genocide survivor's organizations IBUKA and AVEGA submitted a joint request for leave to appear and make submissions as *amicus curiae* pursuant to Rule 74.²¹ The Prosecution²² and the

¹¹ Reponse de La Defense a: Prosecutor's Request for the Referral of the Case of Idelphonse Hategekimana to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, filed 19 December 2007 ("Defence Response").

¹² Decision on the Prosecutor's Urgent Request for an Extension of Time to Reply to Defence Submissions, 4 January 2008.

¹³ Prosecutor's Reply to the Defence's Response to the Prosecutor's Request for the Referral of the Case of Hategekimana to Rwanda, filed 11 January 2008 ("Prosecution Reply").

¹⁴ Corrigendum to the "Prosecutor's Reply to the Defence's Response to the Prosecutor's Request for the Referral of the Case of Hategekimana to Rwanda", filed 24 January 2008.

¹⁵ Requete Urgente de la Defense en Notification de Documents en Francais et en Obtention d'Un Delai pour Dupliquer a la Replique de Procureur du 11 Janvier 2008 dans la Procedure de Renvoir de l'Acte d'Accusation D'Ildephonse Hategekimana (article 11 bis des regles), filed 14 January 2008 ("Defence Request to File Rejoinder to Prosecution Reply").

¹⁶ Prosecutor's Response to Three Motions Filed by Ildephonse Hategekimana on 14 January 2008, filed 5 February 2008.

¹⁷ Amicus Curiae Brief of the Republic of Rwanda in the Matter of an Application for the Referral of the above case to Rwanda pursuant to Rule 11 *bis*, circulated 10 January 2008 ("Republic of Rwanda's Brief").

¹⁸ Request by the Government of Rwanda for Extension of Time to File Amicus Brief (Pursuant to Rule 7 ter (A) of the Tribunal's Rules of Procedure and Evidence) in Support of the Prosecutor's Rule 11 *bis* Request for the Referral of the Case of Ildephonse Hategekimana, circulated 10 January 2008 ("Rwanda's Request for Extension of Time").

¹⁹ Reponse de la Defense a: La Requete du Gouvernement Rwandais en Extension du Delai Conformement a L'Article 7 ter A du Reglement de Procedure et de Preuve pour Le Depot du Memoire Amicus Curiae, filed 4 February 2008 ("Defence Response to Rwanda's Request for Extension of Time").

²⁰ Submissions on "The Defence Response to the Motion of the Government of Rwanda to extend the time limit for filing of the Amicus Curiae brief in accordance with Rule 7 ter (A) of the Rules of Procedure and Evidence", filed 19 February 2008.

²¹ Request by IBUKA&AVEGA for Leave to Appear and Make Submissions as Amicus (Pursuant to Rule 74 of the Tribunal's Rules of Procedure and Evidence) in Support of the Prosecutor's Rule 11 *bis* Request for the Referral of the Case of Gatete Jean-Baptiste (*sic*) to Rwanda, filed 4 February 2008 ("IBUKA&AVEGA Request").

Defence²³ responded to the IBUKA and AVEGA Request. On 27 February 2008, Human Rights Watch requested leave to appear as *amicus curiae* pursuant to Rule 74.²⁴ The Prosecution responded to Human Rights Watch's request.²⁵

DISCUSSION

The Republic of Rwanda's Request for Extension of Time

7. In its First *Amicus Curiae* Decision, dated 4 December 2007, the Chamber invited the Republic of Rwanda to file submissions within fourteen days. As noted above, the Chamber did not receive the submissions of the Republic of Rwanda until 10 January 2008. The submissions were dated 24 December 2007, and were accompanied by a Request bearing the same date and explaining that the Office of the Prosecutor General of the Republic of Rwanda had not received the First *Amicus Curiae* Decision until that time.²⁶ The Defence objects to Rwanda's Request for Extension of Time, submitting, among other things, that it has offered no support for its claim that it did not receive the First *Amicus Curiae* Decision until 24 December 2007.²⁷ The Chamber has considered the arguments of the parties, and finds that, although the Republic of Rwanda offers no support for its claim that it did not receive the First *Amicus Curiae* Decision until 24 December 2007, given the importance of receiving the Republic of Rwanda's submissions to determining the issues arising from the Referral Request, it is in the interests of justice to grant Rwanda's Request for Extension of Time.

The Defence Requests to Respond to the Republic of Rwanda and the Kigali Bar Association, and to file a Rejoinder to the Prosecution Reply

8. On 14 January 2008, the Defence filed requests to respond to the Republic of Rwanda's Brief, the Kigali Bar Association's *amicus curiae* submissions, and to file a rejoinder to the Prosecution Reply. The Prosecution does not object to the Defence's request that it be allowed to respond to the Republic of Rwanda's Brief and to the Kigali Bar Association, but suggests that there is no automatic right of rejoinder, which should only be allowed where a reply raises new matters; it submits that the Prosecution Reply does not raise new matters.

²² Prosecutor's Response to the "Request by IBUKA&AVEGA for Leave to Appear and Make Submissions as Amicus (Pursuant to Rule 74 of the Tribunal's Rules of Procedure and Evidence) in Support of the Prosecutor's Rule 11 bis Request for the Referral of the Case of Gatete Jean-Baptiste (*sic*) to Rwanda", filed 8 February 2008.

²³ Reponse de la Defense a: La Requete d'IBUKA&AVEGA aux fins d'etre Admise Amicus Curiae (art. 74 des règles), Dans La Procedure en Renvoi de L'Acte d'Accusation D'Ildephonse Hategekimana au Rwanda (art. 11 bis du règlement de procedure et de preuve), filed 26 February 2008.

²⁴ Request for Leave to Appear as *Amicus Curiae* Pursuant to Rule 74 of the ICTR Rules of Procedure and Evidence, filed 27 February 2008.

²⁵ Prosecutor's Response to Human Rights Watch's "Request for Leave to Appear as *Amicus Curiae* Pursuant to Rule 74 of the ICTR Rules of Procedure and Evidence", filed 28 February 2008.

²⁶ Rwanda's Request for Extension of Time, para. 7.

²⁷ Defence Response to Rwanda's Request for Extension of Time, para. 10.

9. The Chamber considers that a Defence response to the Republic of Rwanda's Brief could assist it in determining the issues raised by the Referral Request and therefore authorizes the Defence to so respond. The Chamber notes that a French language translation of the Republic of Rwanda's Brief was circulated on 13 February 2008. The Chamber will discuss the details of the Defence response below.

10. The Chamber notes that the Defence request to respond to the Kigali Bar Association was premature when it was filed, as the Chamber had not yet authorized the Kigali Bar Association's request to make Rule 74 submissions. In any event, as explained below, the Chamber now grants the Kigali Bar Association's request and, therefore, the Defence request is also granted. The Chamber will discuss the details of the Defence response below.

11. Regarding the Defence request to file a rejoinder to the Prosecution Reply, the Chamber considers that allowing the Defence to respond to the Republic of Rwanda's Brief is sufficient in this regard, as the Prosecution Reply and the Republic of Rwanda's Brief raise substantially similar arguments. In addition, the Chamber notes that the Prosecution Reply does not raise any new issues, and, therefore, denies the Defence request to file a rejoinder to the Prosecution Reply.

Defence Request to be Served Documents in French

12. The Defence also requests that it be served documents in French, and complains that the Prosecution Reply was initially filed and distributed in English.²⁸ The Chamber, with due regard to the rights of the Accused, notes that the working languages of the Tribunal are English and French,²⁹ and that the Registry is responsible for providing translation of documents.³⁰ There has been a high volume of documents filed in these proceedings, and the Chamber commends the efforts of the Registry in accommodating this volume. The Chamber considers that the timely translation of documents into French is sufficient with respect to the rights of the Accused, and notes that, in its First Scheduling Order, the Chamber accommodated the need for the Accused to receive French language versions of filings in determining the time period for the Defence Response to the Referral Request.³¹ To the extent the Defence is requesting that the Chamber order that all initial filings be made in French, the Chamber rejects the Defence request.

Pending Requests Pursuant to Rule 74

13. Rule 74 authorizes a Chamber, if it considers it desirable for determining the case, to invite or grant leave to any State, organization or person to make submissions on any issue specified by the Chamber.

²⁸ A French translation of the Prosecution Reply was circulated on 28 February 2008.

²⁹ Article 31 of the Statute; Rule 3.

³⁰ Rule 3 (E).

³¹ First Scheduling Order, para. 5.

14. The Chamber recalls that before referring a case to a State, it must satisfy itself that, among other things, the accused will receive a fair trial in the courts of the Referral State and that the death penalty will not be imposed or carried out.³²

15. In its First *Amicus Curiae* Decision, the Chamber stated the following with respect to the requests by the Kigali Bar Association, the ICDA, and ADAD:

The Chamber notes that the remaining applicants—the Kigali Bar Association, the ICDA, and ADAD—may also be able to assist it in deciding the Referral Request. The Chamber considers, however, that it will be better able to determine whether and precisely how the remaining applicants may assist it after receiving the submissions of the Defence and the Republic of Rwanda. Therefore, the Chamber will not decide these requests at this time.³³

16. The Chamber has now received and considered the submissions of the Defence and the Republic of Rwanda, and is in a better position to determine the pending Rule 74 requests in turn.

*The Kigali Bar Association*³⁴

17. The Kigali Bar Association submits that it can assist the Chamber in determining the Referral Request as “the sole representative of the legal profession” in Rwanda. Specifically, the Kigali Bar Association submits that it would assist the Chamber by addressing the following issues:

- a. The legislative, judicial and institutional framework for the prosecution of international crimes in Rwanda;
- b. The role and capacity of the Kigali Bar Association in the administration of international criminal justice in Rwanda.

18. Having considered the submissions contained in the Referral Request, the Defence Response, and the Republic of Rwanda’s Brief, the Chamber considers that it is adequately informed regarding the legislative, judicial and institutional framework for the prosecution of international crimes in Rwanda.

³² See Rule 11 *bis* (C). The Chamber must also determine that the Referral State is willing and adequately prepared to accept the case. See Rule 11 *bis* (A). The Appeals Chamber has found that even if a strict textual reading does not require that the State be willing and adequately prepared to accept a case if it was the territory in which the crime was committed or in which the accused was arrested, a State’s willingness and capacity to adjudicate a referred case is a pre-requisite to referral. *Prosecutor v. Stankovic*, Case No. IT-96-23/2-AR11bis.1, Decision on Rule 11*Bis* Referral (AC), 1 September 2005, para. 40.

³³ First *Amicus Curiae* Decision, para. 7.

³⁴ Application by the Kigali Bar Association for Leave to Appear as *Amicus Curiae* in the Matter of the Prosecutor’s Request for the Referral of the Case of Hategekimana Ildephonse to Rwanda; filed 14 November 2007 (“Kigali Bar Association Request”). The Prosecution responded to this application. Prosecutor’s Response to ‘Application by the Kigali Bar Association for Leave to Appear as *Amicus Curiae* in the Matter of the Prosecutor’s Request for the Referral of the Case of Hategekimana Ildephonse to Rwanda’ filed on 14 November 2007, filed 16 November 2007 (“Prosecution Response to Kigali Bar Association Request”).

19. The Chamber considers that the Kigali Bar Association may, however, assist the Chamber by addressing its role and capacity in the administration of international criminal justice in Rwanda. The Chamber is particularly interested in submissions regarding the experiences, if any, of members of the Kigali Bar Association in defending persons accused under Rwanda's Organic Law of 30 August 1996 on the *Organization of the Prosecution of Offences Constituting the Crime of Genocide or Crimes Against Humanity Committed Since 1 October 1990*. The Chamber is also interested in statistical information on the number of advocates with criminal defence experience involving the crimes described in that law and the number of cases its members have been involved in. In addition, regarding indigent accused persons, the Chamber is interested in submissions on the experiences, if any, of members of the Kigali Bar Association in defending such persons accused under the Organic Law of 30 August 1996, including submissions on (i) the availability and adequacy of funds distributed for the defence; (ii) details on whether fees are payable throughout the proceedings or only at the end of trial; (iii) whether the defence is paid fees for investigation and preparation of the defence; and (iv) how many members of a defence team will be supported, or paid, under Rwandan laws. Finally, the Chamber is interested in submissions on whether there are any specific qualifications or requirements for defence counsel seeking to represent accused persons referred by the ICTR.

*The International Criminal Defence Attorney's Association*³⁵

20. The International Criminal Defence Attorney's Association ("ICDAA"), an international non-governmental organization which advocates for the recognition of fair trial rights in international and national criminal proceedings around the world, requests the Chamber's permission to make submissions on the issue of fair trial rights, generally, and on best practices to guarantee those rights and "to achieve a full, thorough, structured and independent defence." The ICDAA submits that it can further assist the Chamber by addressing the following issues:

- a. How to secure adequate legal representation of a person charged with international crimes at the international or national level;
- b. The proper infrastructure required to guarantee and ensure an independent defence;
- c. The appropriate financial support to ensure adequate representation of indigent accused;
- d. The financial assessment of what is necessary both in terms of travel expenses and investigations costs for the defence;
- e. The measures to be taken to enable the security of all defence team members, including the safety mechanisms to be put in place for defence

³⁵ Request for Permission to File an *Amicus Curiae* Brief, International Criminal Defence Attorney's Association (ICDAA) Concerning the Prosecutor's Request for Referral of the Case of Ildephonse Hategekimana to Rwanda Pursuant to Rule 11 *Bis* of the Rules, filed 20 November 2007 ("ICDAA Request").

witnesses, particularly or Rwandan witnesses living abroad or inside their country.

21. The Chamber considers that additional information on the requirements for an adequate defence may also assist it in deciding the Referral Request, and authorizes the ICDDA to submit a brief on the issues enumerated above.

*Association des Avocats de la Defence (the Organization of ICTR Defence Counsel)*³⁶

22. The *Association des Avocats de la Defence* (“ADAD”) is a voluntary association of Defence counsel at the ICTR, and, apparently, the only organization of its kind. ADAD requests permission to make submissions on a range of issues that fall into two broad categories:

- a. Rwandan Government interference with defence cases before the ICTR;
- b. The alleged international crimes committed by the current Rwandan Government, and the alleged malfeasance or nonfeasance of the Tribunal’s Office of the Prosecutor.

23. The Prosecution submits that it may be inappropriate to allow ADAD, an organization of defence counsel with individual obligations to individual clients, to make submissions on behalf of Ildephonse Hategekimana, as this may be an unwarranted extension of their duties, and may result in a duplication of submissions. The Chamber is not convinced that allowing ADAD to file submissions will have any impact on the ability of its individual members to represent their clients, and believes that the collective experiences of its members may provide the Chamber with additional and distinct relevant information from that contained in the Defence Response.

24. The Chamber considers that submissions on the experiences of members of ADAD working in Rwanda, and their interactions with the Rwandan Government, may assist it in determining issues raised by the Referral Request. The Chamber expects that ADAD’s submissions in this regard will be filed with supporting documentation.

25. The Chamber does not, however, consider that allegations of international crimes committed by the Rwandan government or the alleged malfeasance or nonfeasance of the Tribunal’s Office of the Prosecutor would be of assistance in determining these issues.

³⁶ Motion by ADAD (the Organization of ICTR Defence Counsel) for Leave to Appear and Make Submissions as *Amicus Curia* (sic) In Opposition to the Prosecutor’s Rule 11*bis* Request to Refer the Case of Ildephonse Hategekimana to Rwanda Pursuant to Rule 74, filed 26 November 2007 (“ADAD Request”). The Prosecution responded to the ADAD Request. Prosecutor’s Response to “Motion by ADAD (the Organization of ICTR Defence Counsel) for Leave to Appear and Make Submissions as *Amicus Curia* (sic) In Opposition to the Prosecutor’s Rule 11*bis* Request to Refer the Case of Ildephonse Hategekimana to Rwanda Pursuant to Rule 74”, filed 30 November 2007. And ADAD replied to the Prosecution. ADAD (the Organization of ICTR Defence Counsel) Reply to Prosecutor’s Response to Motion for Leave to Appear and Make Submissions as *Amicus Curia*, filed 5 December 2007.

IBUKA and AVEGA

26. The Rwandan genocide survivor's organizations IBUKA and AVEGA suggest that they are well placed to assist the Chamber in the proper determination of the Referral request, and specify that they are prepared to make submissions on, among others, the following:

- a. "Rwanda's preparedness, competence, and readiness to offer a transparent and a fair trial to the Accused";
- b. "The institutional, budgetary, legal aid, witness and victims protection and other relevant mechanisms and projects in place for Rwanda to receive and effectively handle the Tribunal's Rule 11 bis cases, including the case of the Accused";
- c. "Post-acquittal and post-conviction guarantees, including but not limited to social and economic reintegration available to the Accused persons tried by courts in Rwanda";
- d. "Security guarantee (*sic*) against any infringement on the life of the any (*sic*) witness before and after trial".

27. The Chamber considers that the Referral Request, the Defence Response, and Republic of Rwanda's Brief have provided it with adequate information regarding the above issues. More importantly, the Chamber notes with concern that the survivor's organizations do not suggest why they are well placed to provide the Chamber with information on these issues. The Chamber is of the view that the Rwandan Government is better placed to provide this information, and that it has done so in its submissions. The Chamber therefore denies the request of IBUKA and AVEGA to file submissions pursuant to Rule 74.

Human Rights Watch

28. Human Rights Watch ("HRW"), "a non-profit, non-governmental organization headquartered in New York that is dedicated to investigating and exposing human rights violations around the world," requests permission to file submissions on the basis of its experience in Rwanda since 1995, and, more specifically, monitoring the judicial system in Rwanda since 2005. Annexed to its request is the brief filed in the *Prosecutor v. Fulgence Kayishema*, a case in which there is also a pending Prosecution request for referral to Rwanda pursuant to Rule 11 bis.³⁷ HRW asks that the Chamber accept this brief as its Rule 74 submission in the present proceedings as well.

29. The Chamber considers that, as a party that has observed the practice of the Rwandan judicial system, HRW is in a position to assist it in determining the issues raised by the Referral Request. The Chamber, therefore, accepts the brief annexed to HRW's request.

³⁷ *Prosecutor v. Kayishema*, Case No. ICTR-2001-67-I, Brief of Human Rights Watch as Amicus Curiae in Opposition to Rule 11 bis Transfer, 3 January 2008 ("HRW Brief").

30. In addition, the Chamber has additional questions for HRW based on the issues raised in its brief. The Chamber requests that HRW, to the extent that the information is available and it can do so without jeopardising the safety and confidentiality of its sources, provide further details and supporting materials regarding the following issues:

- a. The arrest of witnesses and counsel working on behalf of the defence at the ICTR or in Rwandan national courts, as well as threats and violent repercussions faced by defence witnesses and defence counsel, and the refusal of defence witnesses to appear on behalf of accused persons as well as the refusal or reluctance of Rwandan counsel to represent accused persons;
- b. Cases involving the application of the “genocidal ideology” law;
- c. The lack of independence of the Rwandan judiciary;
- d. The violation of the principle of *non bis in idem*, or double jeopardy;
- e. Any further relevant observations arising from HRW’s activities monitoring criminal trials in Rwandan national courts.

Responses of the Parties

31. The Chamber authorizes the Prosecution and the Defence to respond to the *amicus* submissions, if they so wish, but orders that both parties shall limit their responses to a single document, divided into separate sections addressing each of the *amicus* filings that they wish to respond to. The Chamber does not consider that either the *amici* or the Prosecution or Defence need be allowed to reply to any response filed by either of the parties. The Chamber further considers that the responses filed by the Prosecution and the Defence shall be limited to not more than thirty (30) pages.

Page Limits on all Further Amicus Submissions

32. The Chamber reiterates that the filings in connection with the Referral Request are voluminous. With that in mind, the Chamber orders that all *amicus* submissions filed in connection with this order shall be limited to not more than fifteen (15) pages, excluding supporting materials, if any.

CONSIDERING THE ABOVE, THE CHAMBER

GRANTS the Republic of Rwanda's Request for Extension of Time and **ACCEPTS** the Republic of Rwanda's Brief;

GRANTS the Defence Request to Respond to Rwanda's Brief, as limited by paragraph 31 of this Decision;

ORDERS the Defence to file its response to the Republic of Rwanda's Brief, within fourteen (14) days of this Decision;

DENIES the Defence Request to File Rejoinder to Prosecution Reply;

GRANTS the Kigali Bar Association Request in part;

ORDERS it to file its submissions on the issues enumerated in paragraph 19 of this Decision, within fourteen (14) days of this Decision;

GRANTS the Defence Request to Respond to the Kigali Bar Request, as limited by paragraph 31 of this Decision;

GRANTS the ICDA A Request;

ORDERS the ICDA A to file its submissions on the issues enumerated in paragraphs 20 and 21 of this Decision within fourteen (14) days of this Decision;

GRANTS the ADAD Request in part;

ORDERS ADAD to file its submissions on the issues enumerated in paragraph 24 of this Decision within fourteen (14) days of this Decision;

DENIES the IBUKA&AVEGA Request;

GRANTS the HRW Request and **ACCEPTS** the brief annexed to the HRW Request;

INVITES HRW to file submissions and supporting materials on the issues enumerated in paragraph 30 of this Decision with fourteen (14) days of this Decision;

ORDERS the Prosecution to file any response to the *amici curiae* submissions within seven (7) days of their filing;

ORDERS the Defence to file any response to the *amici curiae* submissions within seven (7) days of their filing, or within seven (7) days of the circulation of the French translation of the *amici curiae* submissions, as necessary;

REQUESTS the Registrar to notify the Republic of Rwanda, the Kigali Bar Association, the ICDA, ADAD, IBUKA and AVEGA, and HRW of the present order.

Arusha, 20 March 2008

Khalida Rachid Khan

Presiding Judge

With the consent and on
behalf of
Asoka de Silva
Judge
(Absent during signature)
[Seal of the Tribunal]

Emile Francis Short

Judge