



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

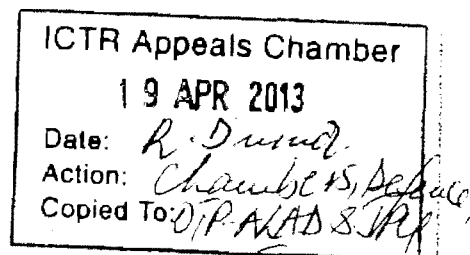
ICTR-98-42-A
19th April 2013
{7405/H-7403/H}

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Bongani Majola

Decision of: 19 April 2013



The PROSECUTOR

v.

**Pauline NYIRAMASUHUKO
Arsène Shalom NTAHOBALI
Sylvain NSABIMANA
Alphonse NTEZIRYAYO
Joseph KANYABASHI
Élie NDAYAMBAJE**

Case No. ICTR-98-42-A

DECISION ON PROSECUTION'S REQUEST FOR EXPEDITED FILINGS

Counsel for Pauline Nyiramasuhuko

Nicole Bergevin and Guy Poupart

Counsel for Arsène Shalom Ntahobali

Normand Marquis and Mylène Dimitri

Counsel for Sylvain Nsabimana

Josette Kadji and Pierre Tientcheu Weledji

Counsel for Alphonse Nteziryayo

Titinga Frédéric Pacere and
Gershon Otachi Bw'Omanwa

Counsel for Joseph Kanyabashi

Michel Marchand and Alexandra Marciel

Counsel for Élie Ndayambaje

Pierre Boulé and Claver Sindayigaya

Office of the Prosecutor

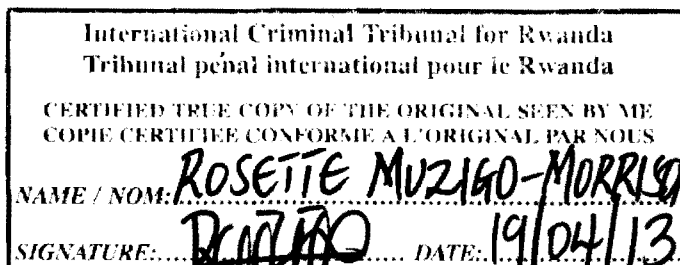
Hassan Bubacar Jallow

James J. Arguin

Deborah Wilkinson

Steffen Wirth

Tajesh Adhichetty



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I, Fausto POCAR, 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 and 31 December 1994 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in this case,¹

NOTING the appeal brief filed confidentially by Alphonse Nteziryayo (“Nteziryayo”) on 8 April 2013;²

NOTING the “Prosecution Motion to Strike Nteziryayo’s New Appeal Grounds” filed on 18 April 2013 (“Motion to Strike”), in which the Prosecution requests the Appeals Chamber to strike 24 grounds from Nteziryayo’s Appeal Brief that were allegedly not identified in Nteziryayo’s Notice of Appeal;³

BEING SEISED OF a request by the Prosecution to consider the Motion to Strike on an expedited schedule by shortening the time-limit for any response and reply (“Request for Expedited Filings”);⁴

NOTING that, pursuant to paragraphs 13 and 14 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the Tribunal of 8 December 2006 (“Practice Direction”), Nteziryayo’s response to the Motion to Strike shall be filed within ten days of the filing of the motion, and the Prosecution may reply within four days of the filing of the response;

NOTING that the provisions of the Practice Direction are without prejudice to any such orders or decisions that may be made by the Appeals Chamber or the Pre-Appeal Judge;⁵

CONSIDERING that, given the Prosecution’s need for clarity as to the scope of Nteziryayo’s Appeal Brief in order to prepare its response brief, it is in the interests of justice to rule on the Motion to Strike in an expeditious manner;

HEREBY GRANT the Prosecution’s Request for Expedited Filings; and

¹ Order Assigning a Pre-Appeal Judge, 21 July 2011.

² Confidential Appeal Brief on Behalf of Alphonse Nteziryayo, 8 April 2013 (confidential) (“Nteziryayo’s Appeal Brief”).

³ Motion to Strike, paras. 1, 34 *referring to* Alphonse Nteziryayo’s Notice of Appeal, 26 April 2012 (“Nteziryayo’s Notice of Appeal”).

⁴ Motion to Strike, para. 35.

⁵ Practice Direction, para. 19.

ORDER that:

- Nteziryayo's response to the Motion to Strike, if any, shall be filed no later than Tuesday, 23 April 2013; and
- the Prosecution's reply, if any, shall be filed no later than Thursday, 25 April 2013.

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

Done this nineteenth day of April 2013,
at The Hague,
The Netherlands.



A handwritten signature in black ink, appearing to read "Fausto Pocar", written over a horizontal line.

Judge Fausto Pocar
Pre-Appeal Judge

[Seal of the Tribunal]