



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

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ICTR-98-42-A

IN THE APPEALS CHAMBER

22nd July 2013

{10547/H - 10545/H}

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Bongani Majola

Decision of: 22 July 2013

THE PROSECUTOR

v.

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

ICTR Appeals Chamber

22 JUL 2013

Date:

Action:

Copied To:

James R. Chambers Dofeu, OTP-KAP-SP/1

Case No. ICTR-98-42-A

DECISION ON NTEZIRYAYO'S MOTION FOR SUMMARY DISMISSAL
OF THE PROSECUTION RESPONSE BRIEF AND FOR STAY OF TIME
LIMIT

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

Frédéric Titinga Pacéré and
Gershom Otachi Bw'Omanwa

Counsel for Joseph Kanyabashi

Michel Marchand and Alexandra Marcil

Counsel for Élie Ndayambaje

Pierre Boulé and Claver Sindayigaya

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS

NAME / NOM:

ROSETTE MURIEL-MORRISON

SIGNATURE:

[Handwritten Signature]

DATE:

22/7/2013

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 Trial Judgement pronounced in this case by Trial Chamber II of the Tribunal on 24 June 2011 and issued in writing in English on 14 July 2011;²

NOTING the appeal briefs filed by Ms. Pauline Nyiramasuhuko, Mr. Arsène Shalom Ntahobali, Mr. Sylvain Nsabimana, Mr. Joseph Kanyabashi, and Mr. Élie Ndayambaje on 8 April 2013,³ and the appeal brief filed by Mr. Alphonse Nteziryayo on 13 May 2013;⁴

NOTING the Prosecution Response Brief filed on 17 July 2013;⁵

NOTING the decision issued on 19 July 2013, in which I, *inter alia*: (i) found that the Prosecution Response Brief is inadmissible; (ii) ordered the Prosecution to re-file a consolidated response brief not exceeding 270,000 words no later than 21 August 2013 or file separate response briefs to the appeal briefs of Ms. Nyiramasuhuko, Mr. Ntahobali, Mr. Nsabimana, Mr. Kanyabashi, and Mr. Ndayambaje not exceeding the word limit granted for the corresponding appeal brief that comply with the formal requirements on appeal no later than 26 July 2013, and a separate response brief to the appeal brief of Mr. Nteziryayo no later than 21 August 2013; and (iii) clarified that reply briefs are due within 15 days from the date of filing of the revised consolidated response brief or from the date of filing of the separate response brief, whichever is applicable;⁶

BEING SEISED OF the “Nteziryayo’s Consolidated (1) Motion for Summary Dismissal of the Prosecution’s Respondent’s Brief and (2) Response to Prosecution’s Motion for Order *Nunc Pro Tunc* and (3) Motion for Stay of Time Limits for Filing of the Briefs in Reply” filed by Mr. Nteziryayo on 19 July 2013 (“Nteziryayo Motion”), in which Mr. Nteziryayo requests the

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

² *The Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-T, Judgement and Sentence, pronounced on 24 June 2011, issued in writing on 14 July 2011 (“Trial Judgement”).

³ *Mémoire d’appel de Pauline Nyiramasuhuko*, 8 April 2013 (confidential); *Mémoire d’appel d’Arsène Shalom Ntahobali*, 8 April 2013 (confidential); *Mémoire d’appel*, 8 April 2013; *Mémoire d’appel de Joseph Kanyabashi*, 8 April 2013; *Mémoire d’appel d’Élie Ndayambaje*, 8 April 2013 (confidential) *as corrected by Corrigendum du Mémoire d’appel d’Élie Ndayambaje*, 19 April 2013 (confidential).

⁴ Revised Confidential Appeal Brief on Behalf of Alphonse Nteziryayo, 13 May 2013 (confidential) *as corrected by Confidential Corrected Revised Appeal Brief on Behalf of Alphonse Nteziryayo*, 14 June 2013 (confidential).

⁵ Prosecution Consolidated Respondent Brief, 17 July 2013 (“Prosecution Response Brief”). *See also* Corrigendum to Prosecution Consolidated Respondents [*sic*] Brief, 17 July 2013.

Appeals Chamber, *inter alia*, to: (i) dismiss summarily the Prosecution Response Brief because it exceeds the allowed word limit and fails to comply with the applicable formal requirements; (ii) order the Prosecution to re-file a new consolidated response brief complying with the relevant practice directions and the Appeals Chamber's prior order; (iii) stay the time limit for the filing of his reply brief pending the filing of a valid consolidated response; and (iv) order expedited filings in respect of this matter;⁷

FINDING that the 19 July 2013 Decision already disposed of the matters raised in the Nteziryayo Motion;

HEREBY DISMISS the Nteziryayo Motion as moot.

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

Done this twenty-second day of July 2013,
At The Hague,
The Netherlands.





Judge Fausto Pocar
Pre-Appeal Judge

[Seal of the Tribunal]

⁶ Decision on Prosecution's Motion for Order *Nunc Pro Tunc* and on Ntahobali's Motion to Reject the Prosecution Response Brief, 19 July 2013 ("19 July 2013 Decision"), pp 3, 4.

⁷ Nteziryayo Motion, paras. 3-25, 27, 29.