



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

10550/H

ICTR-98-42-A

25th July 2013

{10550/H - 10548/H}

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge
Registrar: Mr. Bongani Majola
Decision of: 25 July 2013

THE PROSECUTOR

v.

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

ICTR Appeals Chamber
Date: 25 JUL 2013
Action: Chambers, Defence
Copied To: OIPACAS & JPL

Case No. ICTR-98-42-A

DECISION ON NYIRAMASUHUKO'S MOTION FOR INFORMATION ON THE FILING DATE OF THE PROSECUTION RESPONSE BRIEF

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
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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
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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 A L'ORIGINAL PAR NOUS
NAME / NOM: ROSETTE MUZIGO-MORRISON
SIGNATURE: [Signature] DATE: 25/7/13

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 brief filed by Ms. Pauline Nyiramasuhuko on 8 April 2013;³

NOTING the “consolidated” response brief filed by the Prosecution on 17 July 2013;⁴

NOTING the decision issued on 19 July 2013, in which I found that the Prosecution Response Brief was inadmissible and ordered the Prosecution to re-file a consolidated response brief no later than 21 August 2013 or file a separate response brief to the appeal brief of Ms. Nyiramasuhuko no later than 26 July 2013;⁵

BEING SEISED OF the “*Requête de Pauline Nyiramasuhuko aux fins d’être informée de la date à laquelle le Procureur entend déposer son Mémoire en Réponse*” filed on 22 July 2013 (“Motion”), in which Ms. Nyiramasuhuko requests the Appeals Chamber to order the Prosecution to inform her of whether it intends to respond to her appeal on 26 July 2013 or 21 August 2013;⁶

NOTING that, in support of her Motion, Ms. Nyiramasuhuko submits that her Defence team was prepared to start working on her reply to the Prosecution’s response brief, whether filed separately or as part of a consolidated brief, from 17 July 2013;⁷

RECALLING the decision issued on 22 April 2013, in which I ordered the Prosecution to file “its response briefs no later than 100 days from the date of filing of each corresponding appeal brief”;⁸

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). See also *Mémoire d’appel de Pauline Nyiramasuhuko*, 7 June 2013 (public redacted version).

⁴ Prosecution Consolidated Respondent Brief, 17 July 2013 (“Prosecution Response Brief”). See also Corrigendum to Prosecution Consolidated Respondents [*sic*] Brief, 17 July 2013.

⁵ 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.

⁶ In light of the nature of the request raised by Ms. Nyiramasuhuko and the absence of prejudice to the opposing party given the outcome of the present decision, I consider it appropriate to dispose of the Motion without awaiting the Prosecution’s response.

⁷ Motion, p. 1.

RECALLING that paragraph 1(b) of the Practice Direction on the Length of Briefs and Motions on Appeal of 8 December 2006 provides that the time limit for filing a consolidated response brief shall run from the filing date of the last appeal brief;⁹

RECALLING that Mr. Nteziryayo filed his appeal brief on 13 May 2013;¹⁰

EMPHASISING that the Prosecution was therefore allowed until 21 August 2013 to file a consolidated response brief, that is 100 days after the filing of the last appeal brief;¹¹

CONSIDERING that Ms. Nyiramasuhuko's Motion is based on the misconception that the Prosecution's consolidated response brief was due no later than 17 July 2013;

CONSIDERING that it is for the Prosecution to decide whether to file a consolidated response brief or separate response briefs;

CONSIDERING that the due date is determined by the Prosecution's choice and that there is no basis for ordering the Prosecution to indicate its choice at this stage;

FINDING therefore that the Motion has no merit;

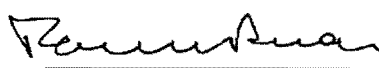
HEREBY DENY the Motion.

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

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



[Seal of the Tribunal]


Judge Fausto Pocar
Pre-Appeal Judge

⁸ Decision on Prosecution's Motion for Extension of Time to File its Response Brief, 22 April 2013, p. 3 (emphasis added). *See also* Status Conference, AT. 10 May 2013 p. 12; 19 July 2013 Decision, p. 3.

⁹ *See also* 19 July 2013 Decision, p. 3.

¹⁰ 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). *See also* Public Corrected Revised Appeal Brief on Behalf of Alphonse Nteziryayo, 14 June 2013 (public redacted version).

¹¹ *See* 19 July 2013 Decision, p. 3.