



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

13435/H

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ICTR-98-42-A

21st Oct 2013

{13435/H-13433/H}

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Bongani Majola

Order of: 21 October 2013

ICTR Appeals Chamber
Date: 21 OCT 2013
Action:
Copied To: Parties,

THE PROSECUTOR

v.

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

Judges, LOs, JPO,
LSS
[Signature]

Case No. ICTR-98-42-A

ORDER ON THE STATUS OF NDAYAMBAJE'S REPLY 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 Nteziyayo

Frédéric Titinga Pacéré and
Gershom 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 Arguin

Deborah Wilkinson

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 MURIGO-MORRISON
SIGNATURE: *[Signature]* DATE: 21/10/2013

me

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 (“Tribunal”) 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 notice of appeal filed by Élie Ndayambaje (“Ndayambaje”) on 8 April 2013;³ the appeal brief filed confidentially by Ndayambaje on 8 April 2013;⁴ the response brief filed confidentially by the Prosecution on 21 August 2013;⁵ and the brief in reply filed confidentially by Ndayambaje on 25 September 2013;⁶

CONSIDERING that all submissions filed before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential and that parties shall file public redacted versions of all confidential briefs filed on appeal;⁷

NOTING that Ndayambaje has not yet filed the public redacted version of his reply brief;

HEREBY ORDER Ndayambaje to file, no later than on 20 November 2013, a public redacted version of the Ndayambaje Reply Brief or to indicate that the confidentiality of his brief can be lifted, if there is no basis for maintaining the confidentiality thereof; and

ORDER Ndayambaje to clearly mark the redactions in the text of the public version of his brief and to limit redactions to confidential information, including the identities of protected witnesses, and not make any additions, deletions, or other amendments.

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 *Acte d’appel amendé d’Élie Ndayambaje*, 8 April 2013.

⁴ *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; public redacted version filed on 4 June 2013).

⁵ Prosecution Consolidated Respondent’s Brief, 21 August 2013 (confidential; public redacted version filed on 4 October 2013).

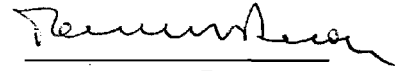
⁶ *Mémoire d’appel en réplique d’Élie Ndayambaje*, 25 September 2013 (confidential) (“Ndayambaje Reply Brief”).

⁷ See, e.g., Decision on Prosecution’s Motion for Summary Dismissal or Alternative Remedies, 5 July 2013, para. 9 and references cited therein; *Gaspard Kanyarukiga v. The Prosecutor*, Case No. ICTR-02-78-A, Order on the Status of Gaspard Kanyarukiga’s Briefs and Annexes, 9 May 2011, p. 1 and references cited therein.

13433/H

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

Done this twenty-first day of October 2013,
at The Hague,
The Netherlands.



Judge Fausto Pocar
Pre-Appeal Judge

[Seal of the Tribunal]

