

ICTR-97-20-A
19 May 2004
(1192/H-1190/H)

1192/H
RUM



International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda

IN THE APPEALS CHAMBER

Before:

Judge Theodor Meron, Presiding Judge
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Fausto Pocar
Judge Inés Mónica Weinberg de Roca

Registrar :

Mr. Adama Dieng

Decision of:

19 May 2004

ICTR Appeals Chamber
Date: 19 May 2004
Action: PG
Copied To: Concerned Jbc
Parties, Judicial And
LOs, LSS
RUM

Laurent SEMANZA

v.

THE PROSECUTOR

Case No. ICTR-97-20-A

2004 MAY 20 A.D. 50
JUDICIAL REGISTRY

DECISION ON APPLICATION FOR RECONSIDERATION OF AMICUS CURIAE APPLICATION OF PAUL BISENGIMANA

Counsel for the Appellant

Mr. Charles Taku
Mr. Philip Baten

Counsel for the Prosecutor

Mr. James Stewart
Ms. Melanie Werrett
Me. Maymuchka Lauriston

Counsel for the Applicant

Ms. Catherine Mabilie

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
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NAME / NOM: ROSETTE MUZIGO-MORRISON
SIGNATURE: [Signature] DATE: 19/05/04

1191/H

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 “International Tribunal”, respectively),

RECALLING the “Decision on Amicus Curiae Application of Paul Bisengimana” of 30 March 2004 (“Decision”), which rejected the *amicus curiae* application of Paul Bisengimana, an accused currently awaiting trial at the International Tribunal (“Applicant”),¹ because the proposed intervention of the Applicant would not assist the Appeals Chamber in the proper determination of the appeals from the Judgement in the case of *Prosecutor v. Semanza*;

BEING SEISED OF the “*Requête urgente de Paul Bisengimana en révision de la décision de la chambre d’appel du 30 Mars 2004 suite à la découverte d’un élément nouveau et aux fins d’obtenir l’autorisation d’intervenir en qualité d’amicus curiae dans la cause en appel de Laurent Semanza*” filed 29 April 2004 (“Application”), in which the Applicant seeks reconsideration of the Decision because he discovered subsequent to the Decision that the Prosecution was arguing in the *Semanza* appeal that Laurent Semanza was a participant in a joint criminal enterprise, which may implicate the Applicant;

NOTING the “Prosecutor’s Response” filed 7 May 2004;

NOTING that Laurent Semanza did not file a response and that the Applicant did not file a reply;

CONSIDERING that the Appeals Chamber has an inherent discretionary power to reconsider its previous decision where it is necessary to do so in order to prevent an injustice;²

CONSIDERING that, although the Applicant’s prior pleadings did not specifically argue the joint criminal enterprise issue that he now raises as a reason for reconsideration, the Appeals Chamber was already aware of the contents of the “Prosecution’s Notice of Appeal” in the *Semanza* case filed 16 June 2003 when it rendered the Decision rejecting the proposed intervention of the Applicant;

FINDING therefore that the Applicant has not demonstrated that it is necessary to reconsider the Decision in order to prevent an injustice;

¹ *Prosecutor v. Bisengimana*, Case No. ICTR-2000-60-I.

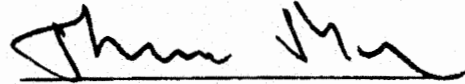
1190/H

FOR THE FOREGOING REASONS,

DISMISSES the Application in its entirety.

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

Done this 19th day of May 2004,
At The Hague,
The Netherlands.



Theodor Meron
Presiding Judge

[Seal of the International Tribunal]



² *Prosecutor v. Mucić et al.*, ICTY Case No. IT-96-21-Abis, Judgment on Sentence Appeal, 8 April 2003, paras. 49 *et seq.*; *Kanyabashi v. Prosecutor*, No. ICTR-96-15-AR72, Decision (Motion for Review or Reconsideration), 12 September 2000, p. 2.