

ICTR-01-67-I
31-10-2007
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International Criminal Tribunal for Rwanda



UNITED NATIONS
NATIONS UNIES

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TRIAL CHAMBER III

Before: Judge Inés Mónica Weinberg de Roca, presiding
Judge Lee Gacuiga Muthoga
Judge Robert Fremr

Registrar: Mr. Adama Dieng

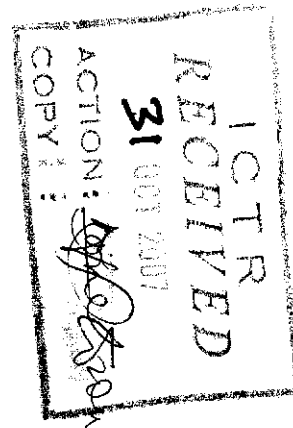
Date filed: 31 October 2007

THE PROSECUTOR

v.

FULGENCE KAYISHEMA

Case No. ICTR-2001-67-I



PROSECUTOR'S RESPONSE TO

**"Request for Leave to Appear as *Amicus Curiae* pursuant to Rule 74
of the ICTR Rules of Procedure and Evidence", filed by *Human
Rights Watch* on 25 October 2007**

Office of the Prosecutor

Hassan Bubacar Jallow
Bongani Majola
Silvana Arbia
Alex Obote-Odora
George Mugwanya
Inneke Onsea
Francois Nsanzuweru
Florida Kabasinga

RESPONSE

1. On 25 October 2007, Human Rights Watch filed its *Request for Leave to Appear as Amicus Curiae pursuant to Rule 74 of the ICTR Rules of Procedure and Evidence* (hereinafter, "the Application").

2. The Prosecutor does not oppose the Application of Human Rights Watch to file an *amicus curiae* brief.

3. However, the Prosecutor requests the Trial Chamber that, if the Trial Chamber were to grant the Application, Human Rights Watch be required to file its *amicus curiae* brief within seven days (7) of the issuance of the decision, to avoid undue delay to the Rule 11 *bis* process, for the following reasons:

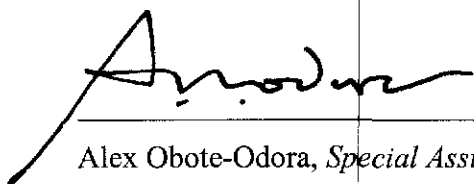
- a) The *Prosecutor's Rule 11bis Request* was filed publicly on 11 June 2007.¹ The Application was filed on 25 October 2007. Human Rights Watch should, if it wanted, have filed its Application as soon as the document was filed.
- b) It appears from the Application that Human Rights Watch has already taken a position with respect to the issues it wishes to address the Trial Chamber on, such as the accused's fair trial rights. It also appears from the Application that Human Rights Watch has the information to support its claims. Therefore, the time-limit of seven days seems to be reasonable in the current circumstances.
- c) In view of the importance of Rule 11 *bis* transfers in light of the completion strategy of this Tribunal, and the scheduling of cases either for trial or transfer, an expeditious determination of the *Prosecutor's Rule 11 bis Request* is warranted. Human Rights Watch should, therefore, be required to file its *amicus curiae* brief within the time frame requested above to avert any further delays.

¹ *Prosecutor's Request for the Referral of the Case of Fulgence Kayishema to Rwanda pursuant to Rule 11 bis of the Tribunal's Rules of Procedure and Evidence*, 11 June 2007 (hereinafter, the "Rule 11 *bis* Request").

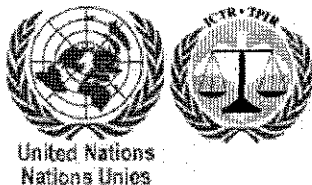
4. In addition, the Prosecutor requests the Trial Chamber, if it were to grant the Application, to be allowed to file submissions in response to the merits of the submissions contained in the *amicus curiae* brief to be filed by Human Rights Watch.

5. Respectfully submitted.

Dated and signed this 31st day of October 2007, Arusha, Tanzania.

A handwritten signature in black ink, appearing to read 'A. Odora', is written over a horizontal line.

Alex Obote-Odora, *Special Assistant to Prosecutor*
For Hassan Bubacar Jallow, *Prosecutor*



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input checked="" type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input type="checkbox"/> Chamber (names)	<input type="checkbox"/> Defence (names)	<input checked="" type="checkbox"/> Prosecutor's Office Alex Obote-Odora (names)	<input type="checkbox"/> Other: (names)
	Case Name: The Prosecutor vs. Fulgence Kayishema			Case Number: ICTR-2001-67-I
Dates:	Transmitted: 31 October 2007		Document's date: 31 October 2007	
No. of Pages:	3		Original Language: <input checked="" type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda	
Title of Document:	PROSECUTOR'S RESPONSE TO "Request for Leave to Appear as Amicus Curiae pursuant to Rule 74 of the ICTR Rules of Procedure and Evidence", filed by Human Rights Watch on 25 October 2007			
Classification Level:		TRIM Document Type:		
<input type="checkbox"/> Ex-Parte		<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties		
<input type="checkbox"/> Strictly Confidential / Under Seal		<input type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Submission from parties		
<input type="checkbox"/> Confidential		<input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars		
<input checked="" type="checkbox"/> Public		<input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities		

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

☒ Filing Party hereby submits only the original, and **will not submit** any translated version.

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English ☐ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits **BOTH the original and the translated version** for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party **will be submitting** the translated version(s) in due course in the following language(s):

☐ English ☐ French ☐ Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to DODMS): Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: