



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

Original: English

**International Criminal Tribunal for Rwanda
Tribunal Pénal International pour le Rwanda**

**UNITED NATIONS
NATIONS UNIES**

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: 30 March 2004

Laurent SEMANZA

v.

THE PROSECUTOR

Case No. ICTR-97-20-A

DECISION ON 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

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),

BEING SEISED OF the “Urgent Motion by Paul Bisengimana for Leave to Appear as Amicus Curiae in Laurent Semanza’s Case on Appeal” filed on 19 February 2004 by Paul Bisengimana, an accused currently awaiting trial at the International Tribunal (“Application”), in which he seeks to participate as amicus curiae in the appeal against the Semanza Judgement and requests the Appeals Chamber to order that all references to his name be redacted from the Semanza Judgement and to issue a corrigendum to the Semanza Judgement;

NOTING the “Reply of Laurent Semanza to Paul Bisengimana’s Requête Urgente de Paul Bisengimana aux fins d’obtenir l’autorisation d’intervenir en qualité d’amicus curial [sic] dans la cause en appel de Laurent Semanza” filed on 23 February 2004, in which the Appellant Semanza does not oppose the Application;

NOTING the “Prosecution Response to Requête Urgente de Paul Bisengimana aux fins d’obtenir l’autorisation d’intervenir en qualité d’amicus curiae dans le [sic] cause en appel de Laurent Semanza” filed on 1 March 2004, in which the Prosecution opposes the Application;

NOTING that the Prosecution’s further “Réponse à la ‘Requête Urgente de Paul Bisengimana aux fins d’obtenir l’autorisation d’intervenir en qualité d’amicus curiae dans la cause en appel de Laurent Semanza,’” filed on 4 March 2004, was later withdrawn by correspondence dated 8 March 2004 and filed on 17 March 2004;

NOTING that Rule 74 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) provides that “?ag Chamber may, if it considers it desirable for the proper determination of the case, invite or grant leave to any State, organization or person to appear before it and make submissions on any issue specified by the Chamber”;

FINDING, pursuant to Rule 74 of the Rules, that the proposed intervention of Paul Bisengimana would not assist the Appeals Chamber in the proper determination of the appeals from the Semanza Judgement;

CONSIDERING that the Appeals Chamber cannot order the redaction of a Trial Chamber Judgement but can only consider an appeal from it;

CONSIDERING furthermore that it will be the duty of the Trial Chamber that will hear the case of Prosecutor v. Bisengimana to respect the rights of the Applicant Bisengimana pursuant to Articles 19 and 20 of the Statute;

FOR THE FOREGOING REASONS,

DISMISSES the Application in its entirety.

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

Done this 30th day of March 2004,

At The Hague,

The Netherlands.

Theodor Meron

Presiding Judge

[Seal of the Tribunal]