



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

D 99/3/11

## 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*

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### DECISION ON AMICUS CURIAE APPLICATION OF PAUL BISENGIMANA

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**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"[1] filed on 19 February 2004 by Paul Bisengimana, an accused currently awaiting trial at the International Tribunal[2] ("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;

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**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,[3] 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,[4] 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 “Faç 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 30<sup>th</sup> day of March 2004,  
At The Hague,  
The Netherlands.

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Theodor Meron  
Presiding Judge

[Seal of the Tribunal]

[1] The Appeals Chamber notes that this document was incorrectly titled with the case name “Paul Bisengimana contre le Procureur” and with the incorrect case number ICTR-2001-60-1. Notwithstanding these errors, the Appeals Chamber will consider this filing as part of the case of *Semanza v. Prosecutor*, Case No. ICTR-97-20-A.

[2] Case No. ICTR-00-60-1.

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[3] The Appeals Chamber notes that this document was incorrectly titled with the case name “Paul Bisengimana contre le Procureur” and with the case number ICTR-2001-60-1. The cover page of this document contains a further error in the handwritten notation of the Registry which identifies the document as belonging to Case No. ICTR-71-20-A or ICTR-91-20-A. Notwithstanding these errors, the Appeals Chamber will consider this filing as part of the case of *Semanza v. Prosecutor*, Case No. ICTR-97-20-A.

[4] The Appeals Chamber notes that this document was incorrectly titled with the case name “Paul Bisengimana contre le Procureur” and with the case number ICTR-2001-60-1.