

UNITED NATIONS -NATIONS UNIES
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA
TRIBUNAL PÉNAL INTERNATIONAL POUR LE RWANDA

Before: Trial Chambers I (OId)

Registrar: Dr Agnu Ukiwe OKALI

Dare Filed : 1 December 1999

Case Nos. : ICTR-96-3-I

THE PROSECUTOR
V
GEORGES ANDERSON NDERUBUMWE RUTAGANDA

**PROSECUTOR'S RESPONSE TO THE REQUEST OF
PROFESSOR FILIP REYNTJENS TO APPEAR AS AMICUS CURIAE
UNDER RULE 74**

Prosecution Counsel :
Mr. Mohammed Othman
Ms Holo Makwaia

Defence Counsel :
Thiphaine Dickson

This is the Prosecutor's Response to the request by Professor Reytjens to appear as amicus curiae in the Prosecutor Vs Georges Rutaganda.

1. Legal basis of the Request

By letter of 29 November 1999 to the President of the Tribunal Professor Reytjens requests leave to appear as amicus curiae under rule 74 of the Rules of Procedure and Evidence before Trial Chamber 1(old).

2. The Request

The Professor is seeking leave to appear because he is worried of the appearances that may be construed if the Tribunal was to return a verdict of guilt and the subsequent sentencing of the accused in the case of George A.N.Rutaganda, given the circumstances prevailing at the moment.(para 7)

The Professor cites the circumstances of the moment to be those surrounding the decision of 3 November by the Appeals Chamber in ICTR-97-19-AR-72 Jean Bosco Barayagwiza Vs the Prosecutor.

The Professor further alleges that the reaction of the Rwandan authorities to this decision may create the impression that the organs of the Tribunal were under pressure putting into question their independence and impartiality.

3. The Prosecutors response

Legal basis of the request

Rule 74 of the Rules of Procedure and Evidence provide for the appearance of amicus curiae before the Tribunal.

It reads as follows. "A 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".

The Prosecutors Submission on the Request.

The Prosecutor submits that the reasons for which Professor Reytjens wants to appear as amicus curiae before the Trial Chamber would not in any manner assist the Trial Chamber in the proper determination of the guilt or innocence of the accused Georges Rutaganda. The Professor admits this by stating that, he is not in a position to pronounce himself as to the guilt or innocence of the accused. (para 11)

Further to that Professor Reytjens testified as an expert in the Prosecutor's case in chief during the Trial on the merits against the accused.

The Trial Chamber is now ready to deliver its findings in this case with a Judgement scheduled for 6 December 1999.

As to the other factors, such as the reaction of the Rwandan authorities after the Barayagwiza decision, the Prosecutor submits that, the Trial Chamber does not require an amicus curiae in order to render a judgment as an independent and impartial Trial Chamber. From the

foregoing the Prosecutor respectfully requests the Trial Chamber not to allow Professor Filip Reyntjens, leave to appear as amicus curiae as requested.

Dated at Arusha this December 1, 1999

Mohammed Othman (sé)
Chief Of Prosecution

Holo Makwaia
Assistant Trial Attorney