

ICTR
CRIMINAL REGISTRY 96-7-T
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UNITED NATIONS



NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER II

OR:ENG.

Before Judge William H. Sekule, Presiding
Judge Yakov A. Ostrovsky
Judge Tafazzal H. Khan

Registry: Mr. John Kiyeyeu

Decision of: 16 March 1998

**THE PROSECUTOR
VERSUS
THÉONESTE BAGOSORA**

Case No. ICTR-96-7-T

**DECISION ON THE PROSECUTOR'S MOTION FOR EXTENSION OF
TIME WITHIN WHICH TO FILE A DISCLOSURE**

The Office of the Prosecutor:
Mr. James Stewart
Mr. Chile Ossuji

The Counsel for the Accused:
Mr. Jacques Laroche
Mr. Raphael Constant

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA(The “Tribunal ”),

SITTING AS Trial Chamber II , composed of Judge William H. Sekule, Presiding , Judge Yakov A. Ostrovsky and Judge Tafazzal H. Khan, (the “Trial Chamber”)

CONSIDERING the indictment submitted by the Prosecutor against Théoneste Bagosora which was confirmed on 10 August 1996 by Judge Aspegren pursuant to rule 47 of the Rules of Procedure and Evidence (the “Rules”), on the basis that there was sufficient evidence to provide reasonable grounds for believing that the accused committed genocide, conspiracy to commit genocide, crimes against humanity and violations of Article 3 common to the 1949 Geneva Conventions and Additional Protocol II thereto;

CONSIDERING the initial appearance of the accused Théoneste Bagosora which took place on 20 February, 1997;

CONSIDERING the Prosecutor’s preliminary motion filed on 4 December 1997 seeking an order for extension of time within which to make the disclosure of evidence as ordered by this Chamber in its decision of 27 November 1997;

CONSIDERING the response to the aforementioned motion filed by the Defence on 16 January 1997, by which the Defence Counsel requests, firstly, that the Tribunal dismiss the Prosecutor’s motion and that, in the alternative, an order be issued for the immediate full disclosure of all testimonies not yet provided;

CONSIDERING the provisions of rule 66 of the Rules regarding disclosure by the Prosecutor;

HAVING HEARD the parties on 12 March 1998;

AFTER HAVING DELIBERATED:

WHEREAS in support of this motion, the Prosecutor has submitted that, in the light of the workload on the Office of the Prosecutor, despite the Prosecutors intention to comply with the order, it has not been possible to do so at the moment bearing in mind that there are bulky documents which must be photocopied and reviewed including the Belgian file;

WHEREAS the Defence Counsel, in his submission, opposed the Prosecutor’s request on the grounds that further delay in disclosing the evidence will deny the accused Théoneste Bagosora of his right to a speedy trial guaranteed under the provisions of article 20 of the Statute of the Tribunal (the “Statute”) and that, the Prosecutor has not shown commitment in complying with this Chambers decision of 27 November 1997;

On the matter of the request for extension of time for disclosure

WHEREAS despite the Defence initial written objection, finally both parties finally agree that there is need to extend time for the Prosecutor to disclose, they however disagree on the duration of the extension period;

WHEREAS the Prosecutor asked the Chamber to grant an extension of time until the end of April 1998, the Defence vehemently objected to the long period sought by the Prosecutor and suggested that the deadline for the Prosecutor's disclosure should be within a period of one month.

TAKING INTO ACCOUNT the Prosecutor's failure to comply with this Chamber's disclosure order of 27 November 1997;

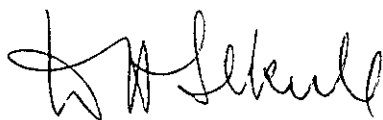
NOTING with regret, not for the first time, the Prosecutor's failure to comply with the Chamber's disclosure orders;

NOW THEREFORE the Chamber is of the opinion that, regarding the extension of time for disclosure, in the light of the situation the Prosecution is facing and for the interest of justice, it is appropriate to grant the extension of time sought as requested by the Prosecutor;

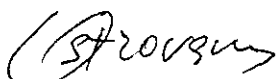
FOR THESE REASONS THE TRIAL CHAMBER DECIDES,

TO GRANT the Prosecutor an extension of time up to 30 April 1998:

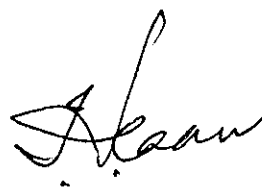
Written decision signed this 11 June, 1998.



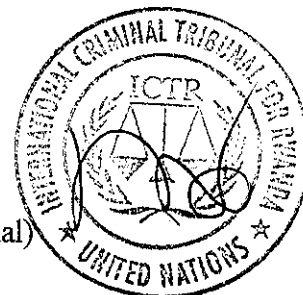
William H. Sekule
Presiding Judge



Yakov A. Ostrovsky
Judge



Tafazzal Hossain Khan
Judge



(Seal of the Tribunal)