



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER I

Original : English

Before:

Judge Navanethem Pillay, Presiding
Judge Erik Møse,
Judge Asoka de Zoysa Gunawardana.

Registrar:

Ms Marianne Ben Salimo

Decision date: 14 April 2000

THE PROSECUTOR

vs.

HASSAN NGEZE

(Case No. ICTR-97-27-I)

DECISION ON THE DEFENCE'S MOTION TO ADOPT AND CONFORM

Office of the Prosecutor:

M. William T. Egbe

Ms Cydney G. Crickard

Counsel for the Accused:

Ms Patricia Mongo

M. John C. Floyd, III

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”)

SITTING AS Trial Chamber I composed of Judge Navanethem Pillay, Presiding, Judge Erik Møse and Judge Asoka de Zoysa Gunawardana;

CONSIDERING the motion from the Defence to adopt and conform filed on 23 March 2000, and the Prosecutor’s reply filed on 11 April 2000;

NOTING that the motion was considered on the basis of the brief of the Parties, pursuant to Rule 73 of the Rules of Procedure and Evidence (“the Rules”).

The Defence’s Motion

The Defence submitted that the joinder of the case of the accused together with M. Nahimana should allow the accused to adopt and conform all motions filed on behalf of M. Nahimana. It will lessen the work of all Parties and will ensure the protection of the rights of the defendant.

The Deliberations

The Trial Chamber notes that the Defence counsel does not refer to any rule in support of his motion. Indeed, there is no provision in the Rules enabling the accused to make such a request, and it is not in the Tribunal's practice.

The joinder of two trials, although based on the central allegation of conspiracy and common transaction, does not confer on each of the accused the right to adopt and conform all motions filed on behalf of his or her co-accused. The Chamber endorses here the Prosecution's contention that the issues regarding the two accused are not identical, therefore the Defence counsels may well file motions that are not applicable to the co-accused.

Therefore, the Trial Chamber holds that this motion is without ground.

FOR THESE REASONS,

THE TRIBUNAL,

REJECTS the Defence's motion to adopt and conform.

Arusha, 14 April 2000

Navanethem Pillay
Presiding Judge

Asoka de Zoysa Gunawardana
Judge

Erik Møse
Judge

Seal of the Tribunal