



International Criminal Tribunal for Rwanda  
Tribunal Pénal International pour le Rwanda

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TRIAL CHAMBER 1

OR: Eng.

Before: Judge Navanethem Pillay, Presiding  
Judge Erik Møse  
Judge Asoka de Zoysa Gunawardana

Registry: Ms Aminatta N'Gum

Decision date: 10 May 2000

THE PROSECUTOR  
Versus  
JEAN-BOSCO BARAYAGWIZA

Case No. ICTR-97-19-I

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ICTR  
COURT REGISTRY  
RECEIVED

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PRELIMINARY ORDER IN RESPECT OF THE PROSECUTOR'S JOINDER  
MOTION

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The Office of the Prosecutor:

Mr. William T. Egbe, Trial Attorney  
Mr. Mathias Marcussen, Legal Advisor

Counsel for the Accused:

Ms. Carmelle Marchessault  
Mr. David Danielson

**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 (“the Trial Chamber”);

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**BEING SEIZED** of the Prosecutor’s Motion for joinder of Barayagwiza (“the accused”) filed on 10 April 2000 (“the Motion”) and the Brief in Support filed on 11 April 2000 pursuant to Article 19 of the Statute of the Tribunal and Rules 2, 48, and 54 of the Rules of Procedure and Evidence (“the Rules”);

**WHEREAS** on 14 April 2000, the Registry of the Tribunal, upon instructions of the Trial Chamber, informed all Defence Counsel for the accused, Nahimana and Ngeze that the deadline for responding to the Motion has been set for 25 April 2000;

**WHEREAS** due to translation problems of the Motion and the Brief in Support, the Trial Chamber, on 19 April 2000, rescheduled the date for responding to the Motion to 30 April 2000;

**WHEREAS** the amended indictment, the Supporting Materials and the Brief in Support of the Prosecutor’s Motion for joinder were served upon the Defence Counsel. In particular, the said documents were served upon, David Danielson, the Co-Counsel for the accused “Co-Counsel” on 18 April 2000 in Seattle, Washington by courier service;

**WHEREAS** on 17 April 2000, the Co-Counsel filed a motion titled “Motion for the Continuance of the Date the accused is Required to Respond to the Prosecutor’s Motion for joinder” as well as a Declaration to support that Motion, in which he stated that he had not received the Supporting materials and the Nahimana/Ngeze indictments in English;

**DUE TO** the delay incurred in receipt of the relevant material, the Trial Chamber, on 28 April 2000, granted the Defence another extension within which to respond to the Motion and set the deadline for 8 May 2000;

**CONSIDERING** that on 1 May 2000, the Defence filed its brief in response to the motion as well as the fourth Declaration dated 27 April 2000, in which the Defence stated that it was



not possible for them to file a proper response until 9 May 2000 when they would go to Arusha and consult the accused;

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**CONSIDERING** that on 4 May 2000, the lead counsel, Ms. Carmelle Marchessault, faxed the President of the Tribunal, asserting that it was impossible to respond to the motion before meeting the accused and that Mr. Danielson would arrive in Arusha on 11 May 2000 to meet the accused.

**DELIBERATION**

The Trial Chamber notes that the Defence requests an extension of time so that the Defence counsel can take instructions from the accused when they meet him on 11 May 2000. The Trial Chamber is of the opinion that on grounds of fairness and in the interest of justice, the Defence should be granted more time in which to file an additional response to the Motion should they elect to do so. The Trial Chamber will consider the Motion on written briefs.

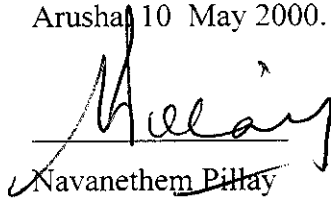
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**FOR THE ABOVE REASONS, THE TRIBUNAL HEREBY**


**GRANTS** the Defence an extension of time, until Wednesday 17 May 2000, to file a further response to the Prosecutor's motion for joinder.

Arusha 10 May 2000.



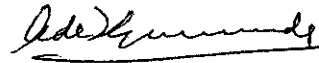
Navanethem Pillay

Presiding Judge



Erik Møse

Judge



Asoka de Zoysa Gunawardana

Judge

Seal of the Tribunal