



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before: Judge Laïty Kama, Presiding  
Judge William H. Sekule  
Judge Pavel Dolenc

Registrar: Agwu U. Okali

Date: 13 December 2000

JUDICIAL RECORDS ARCHIVES  
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THE PROSECUTOR  
v.  
Pauline NYIRAMASUHUKO  
and  
Arsène Shalom NTAHOBALI  
Case No. ICTR-97-21-T

INTERMEDIATE DECISION ON PROSECUTOR'S MOTION FOR THE  
EXTENSION OF TIME TO COMPLY WITH COURT ORDERS IN THE TWO  
DECISIONS BASED ON DEFECTS IN THE FORM AND SUBSTANCE OF THE  
INDICTMENT FOR BOTH ACCUSED RENDERED ON 1 NOVEMBER 2000.

The Office of the Prosecutor:

Japhet Mono  
Ibukunolu Alao Babajide  
Manuel Bouwknecht

Counsel for Nyiramasuhuko:

Nicole Bergevin  
Guy Poupart

International Criminal Tribunal for Rwanda Tribunal pénal international pour le Rwanda	
CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS	
NAME / NOM: <i>Dr. M. N. b. U. A. ... Ken. H. Antoine...</i>	
SIGNATURE: <i>[Signature]</i>	DATE: <i>13.12.2000</i>

13. 12. 2000

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

SITTING as Trial Chamber II (The “Chamber”), composed of Judges Laïty Kama, presiding, William H. Sekule, and Pavel Dolenc as assigned by the President of the Tribunal on 8 December 2000 for purposes of hearing the motions;

BEING SEIZED of “Extremely Urgent Co-joined Motion by the Prosecutor for Extension of Time to Comply and Harmonization of Court Orders Made under Rule 73 of the Rules” (“the Motion”) filed on 24 November 2000;

NOTING that, on 1 November 2000, the Chamber delivered two Decisions entitled, “Decision on Arsène Shalom Ntahobali’s Preliminary Motion Objecting to Defects in the Form and Substance of the Indictment” (the “Decision on Ntahobali”) and “Decision on Nyiramasuhuko’s Motion Based on Defects in the Form and the Substance of the Indictment,” (the Decision on Nyiramasuhuko”), both of which Decisions shall be referred herein as the “Decisions of 1 November 2000.” In the said two Decisions, the Chamber granted in part the Defense Preliminary Motions ordering the Prosecutor to modify the joint Amended Indictment on certain aspects within 30 days of the said two Decisions;

NOTING that on 28 November 2000, the Accused Nyiramasuhuko filed a Motion, originally in French, for Review of the Decision Relating to the Preliminary Motion on Defects in the Form and Substance of the Indictment brought under Rule 73 of the Rules, (“Nyiramasuhuko’s Motion for Review”).

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”), particularly Rule 73;

CONSIDERING that the Chamber will decide the Motion solely on the brief, pursuant to Rule 73 of the Rules;

**THE MOTION**

1. In the Motion, the Prosecutor requests for an extension of time within which to comply with the orders made in the Chamber’s Decisions of 1 November 2000. The said orders *inter alia* stipulate that the Prosecutor file with the Registry within thirty days from the date of the said Decisions, the English and French versions of the Amended Indictment as modified pursuant to the said Decisions. The request for extension of time is made because the Prosecutor seeks clarification and harmonization, particularly as she faces unsurpassable inconsistencies regarding the joint indictment. The Decision on Ntahobali orders the Prosecutor to *inter alia* amend paragraphs 6.27, to charge Ntahobali with alternative counts of Genocide and Complicity in Genocide and to delete the introductory formulation to each count, while the Decision on Nyiramasuhuko has no such orders.

2. The Prosecutor, therefore, requests an extension of time pending the final determination of the clarifications sought in the Motion.

**DELIBERATIONS**

3. The Chamber considers that the Motion is appropriately sought pursuant to Rule 73 of the Rules and it shall, therefore, be considered under the said Rule.


4. The Chamber notes that the clarifications sought by the Prosecutor are for *inter alia* the harmonization of the said two Decisions. In the Motion, the Prosecutor observes that it is difficult for her to comply with the orders to modify the joint Amended Indictment because, for example, whereas the Chamber allowed the counts of Genocide and Complicity in Genocide as independent charges in the case of Pauline Nyiramasuhuko, it ordered Shalom Ntahobali to be charged of the same counts in the alternative. In substance, the Prosecutor requests the harmonization of the said two Decisions so that she may ensure uniformity and consistency in the joint Amended Indictment.


5. In light of the clarifications sought in the said two Decisions as outlined in the Motion, and in light of Nyiramasuhuko's Motion for Review, the Chamber considers the Prosecutor's request for extension of time within which to comply with the orders made has merit. The Chamber, therefore, grants the Prosecutor's request for extension of time within which to comply with the orders made in the said two Decisions pending the Decision on the clarifications and harmonization sought in the Motion. The said Decision on clarifications and harmonization may stipulate when the modified Amended Indictment must be filed. Were it to be so ordered, then the extension of time shall include this period as well.

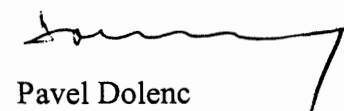
**FOR THE FOREGOING REASONS, THE TRIBUNAL:**

**GRANTS** the Prosecutor's request for extension of time pending the Decision on the clarifications and harmonization sought in the Motion, which may also stipulate when the modified Amended Indictment must be filed, mindful that were it to be so ordered, then the extension of time shall include this period as well.

Arusha, 13 December 2000.

  
Laity Kama  
Judge, Presiding

  
William H. Sekule  
Judge

  
Pavel Dolenc  
Judge

Seal of the Tribunal

