

ICTR-97-21-1
2/3/2001
(7376-7374)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule
Designated by the Trial Chamber pursuant to Rule 73 of the Rules
Registrar: John Kiyeyeu
Date: 2 March 2001

PAULINE NYIRAMASUHUKO et al.

Case No. ICTR-97-21-T

DECISION ON PROSECUTOR'S MOTION FOR EXTENSION OF TIME WITHIN
WHICH TO COMPLY WITH COURT ORDER TO FILE AN INDICTMENT

3/3

The Office of the Prosecutor:

Japhet Mono
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Manuel Bouwknecht

Counsel for the Accused:

Nicole Bergevin
Guy Poupart

JUDICIAL RECORDS ARCHIVES
ICTR
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[Signature]

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
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NAME / NOM: *Dr. MINAUA K. M. Antoinette*
SIGNATURE: *[Signature]* DATE: *02.03.2001*

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (The "Tribunal"),

JUDGE WILLIAM H. SEKULE, sitting as a judge designated by the Trial Chamber, to review this motion as a single judge, pursuant to rule 73 of the Rules of Procedure and Evidence (the "Rules"). The Trial Chamber is 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 (the "Chamber");

BEING SEIZED of the "Motion by the Prosecutor for Extension of Time within which to Comply with Court Order to File an Indictment," (the "Motion") filed on 1 March 2001;

CONSIDERING that the Chamber in its "Decision on Pauline Nyiramasuhuko's Motion Seeking Review and on Prosecutor's Motion for Clarification and Harmonization of Court Orders," rendered on 14 February 2001, ordered *inter alia* that "[...] the Prosecutor modify the joint Indictment [...] and file it with the Registry [...] by Wednesday 28 February 2001, at close of business;"

CONSIDERING FURTHER that:

The Prosecutor submits, in her Motion, that she did not comply with the deadline of 28 February 2001, as ordered in the said Decision due to, "[...] technical problems, telecommunications failures, translation difficulties, and the unavailability of the Prosecutor, Carla Del Ponte, on 28 February 2001, who was on mission to Stockholm, outside of The Hague."

The Prosecutor apologizes to the Chamber for the delay, presenting that she will file the Amended Indictment on the 1 March 2001.

The Prosecutor prays that the Chamber grant a short extension of one day to allow her to file the Amended Indictment.

HAVING DELIBERATED

1. The Chamber notes that the Defense has not filed a response to the Motion.
2. The Chamber recalls its order in the Decision of 14 February 2001. The Chamber is deeply concerned by the Prosecutor's non-compliance with the Chamber's Decision.
3. In her Motion, the Chamber notes that the Prosecutor, requests for an extension of the deadline within which to comply with the Chamber's Order in the Decision of 14 February 2001. The Chamber further notes that the Motion is filed after the expiration of the deadline set in the Decision of 14 February 2001, i.e., 28 February 2001, at close of business. The Chamber considers that the Prosecutor should have sought an extension, prior to the expiration of the said deadline.
4. However, in the interests of justice, the Chamber directs and authorizes the filing of the Amended Indictment, as modified, pursuant to the Decision of 14 February 2001, on 1 March 2001, at the time it was received by the Registry.

ACCORDINGLY, THE TRIBUNAL

GRANTS and authorizes the filing of the Amended Indictment, as modified, pursuant to the Decision of 14 February 2001, on 1 March 2001, at the time it was received by the Registry

Arusha, 2 March 2001



William H. Sekule
Judge

Seal of the Tribunal

