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ICTR-98-41-T  
13-5-2002  
(9703-9702)

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

UNITED NATIONS  
NATIONS UNIES

**TRIAL CHAMBER III**

Original: English

Before: Judge Lloyd George Williams, Presiding  
Judge Pavel Dolenc  
Judge Andréia Vaz

Registrar: Mr Adama Dieng

Date: 13 May 2002

JUDICIAL RECORDS ARCHIVES  
ICTR  
2002 MAY 13 P 2:41

**THE PROSECUTOR**  
v.  
**THÉONESTE BAGOSORA**  
**GRATIEN KABILIGI**  
**ALOYS NTABAKUZE and**  
**ANATOLE NSENGIYUMVA**

Case No. ICTR-98-41-T

**DECISION ON MOTION OF BAGOSORA, KABILIGI AND NTABAKUZE FOR  
THE PRESERVATION OF THEIR RIGHTS**

The Office of the Prosecutor:

Mr Chile Eboe-Osuji  
Mr Drew White  
Ms Christine Graham

Defence Counsel:

Mr Raphaël Constant  
Mr Jean Yaovi Degli  
Mr Clemente Monterosso  
Mr André Tremblay  
Mr Kennedy Ogetto  
Mr Gershom Otachi Bw'omanwa

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the “Tribunal”), sitting as Trial Chamber III composed of Judge Lloyd Williams, Q.C., Presiding, Pavel Dolenc and Andréia Vaz (the “Chamber”).

**BEING SEISED OF** the joint Motion filed on 2 April 2002 by Counsel for Bagosora, Kabiligi and Ntabakuze, seeking leave to object, within a reasonable time limit, to any defects of form or substance regarding the Prosecutor’s Pre-trial brief, the list of Prosecution witnesses, the summary of their statements, the summary of Kambanda’s statements and the list of exhibits, because the Accused received these documents too late to discuss the matter with their Counsels;

**NOTING** that Prosecutor has not filed a response;


**NOTING** that the Motion does not allege any violation of the rules and does not seek any ruling or relief pursuant to Rules 5 or 73 of Rules of Procedure and Evidence (the “Rules”);

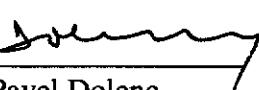
**CONSIDERING** the Motion is frivolous since it introduces no issue of substance, which would require the deliberation and decision of the Chamber;

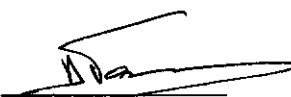
**NOW DECIDES** the matter on the basis of the Defence brief pursuant Rule 73(A) and for the foregoing reasons:

1. **DISMISSES** the Motion; and
2. **DIRECTS** the Registrar to deny, in respect of Counsel for Bagosora, Kabiligi and Ntabakuze, the payment and reimbursement of all costs and fees associated with the preparation and filing of this Motion.

Arusha, 13 May 2002.

  
Lloyd Williams Q.C.  
Presiding Judge

  
Pavel Dolenc  
Judge

  
Andréia Vaz  
Judge

[Seal of the Tribunal]