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ICTR-98-41-T
21-5-2002
(9722-9721)

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**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

TRIAL CHAMBER III

Original: English

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

Registrar: Mr. Adama Dieng

Date: 21 May 2002

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

Case No. ICTR-98-41-T

JURIDIQUE INTERNATIONALE
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[Signature]

**DECISION ON THE PROSECUTOR'S REQUEST FOR VARIATION OF THE
ORDER OF 19 APRIL 2002**

The Office of the Prosecutor:

Mr. Chile Eboe-Osuji
Ms. Christine Graham
Mr. Segun Jegede
Mr. Drew White

Defence Counsel:

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

The International Criminal Tribunal for Rwanda (the "Tribunal"), sitting today as Trial Chamber III composed of Judges Lloyd George Williams, Q.C., Presiding, Pavel Dolenc, and Andréia Vaz (the "Chamber");

BEING SEISED OF the "Prosecutor's Request for Variation of the Order of 19 April 2002 in the Decision on the Prosecutor's Urgent Motion for Suspension of Time Limit For Response in the Matter of Defence 'Requête en Demand de Mise en Liberté'" filed on 29 April 2002 (the "Request"), wherein the Prosecutor seeks a period of ten days after receipt of the Chamber's decision on the Request within which to file its response

CONSIDERING that the Defence did not file any response or make any submissions with respect to the Prosecutor's Request.

RECALLING in its 19 April 2002 "Decision on the Prosecutor's Urgent Motion for Suspension of Time Limit For Response in the Matter of Defence Motion 'Requête en Demande de Mise en Liberté' filed by Counsel for Bagosora on 8 April 2002", the Chamber ordered the Prosecutor to file its response to the said motion no later than five days after receiving the English translation of same.

CONSIDERING that since the Prosecutor received the English translation of the Defence Motion for Release on 19 April 2002, pursuant to the Chamber's Decision of 19 April 2002 the Prosecutor was required to file her response no later than 24 April, i.e., five days after receipt of the English version.

WHEREAS it is in the interest of justice to receive comprehensive submissions of all concerned parties in determining matters raised in the Defence Motion for Release.


THE TRIBUNAL NOW DECIDES the matter on the basis of the written brief of the Prosecutor pursuant to Rule 73(A) and for the foregoing reasons:

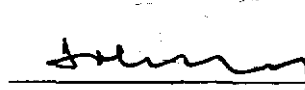
GRANTS the Motion as follows:


ORDERS the Prosecutor to file her comprehensive response, if any, to the Defence Motion for Release no later than seven days after receiving notice of this Decision; and further

DIRECTS the Prosecutor to refrain in the future from making submissions of the type in the Request, where the Prosecutor purports to reserve the right to make more comprehensive submissions conditioned upon the disposition of the Chamber on the Defence Motion. Such submissions are improper and are disrespectful of the dignity and integrity of the deliberations of the Chamber. It is in the interests of justice for the Chamber to have complete and timely submissions of all parties by the date prescribed in its orders.

Arusha, 21 May 2002


Lloyd G. Williams, Q.C.
Presiding Judge


Pavel Dolenc
Judge


Andréia Vaz
Judge

[Seal of the Tribunal]