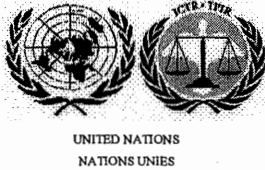


ICTR-2001-70-I  
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(1813-1812)

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International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

Original: English

**TRIAL CHAMBER III**

**Before:** Judge Lloyd G. Williams, Q.C., Presiding  
Judge Andréia Vaz  
Judge Khalida Rachid Khan

**Registrar:** Adama Dieng

**Date:** 18 March 2004

**THE PROSECUTOR**

v.

**EMMANUEL RUKUNDO**

*Case No. ICTR-2001-70-I*

2004 MAR 18 P. 11: 07  
ICTR  
INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

**DECISION ON DEFENCE MOTION FOR HIS PROVISIONAL RELEASE**  
*Rule 65, Rule 65 bis and Rule 73 bis of the Rules of Procedure and Evidence*

**Counsel for the Defence:**  
Philippe Moriceau  
Wenceslas Habiyaemye

**Office of the Prosecutor:**  
Sylvana Arbia  
Gregory Townsend  
Faria Rekkas

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA** (the "Tribunal"),

**SITTING** as Trial Chamber III composed of Judges Lloyd G. Williams, Q.C., presiding, Andréia Vaz and Khalida Rachid Khan ("Chamber");

**BEING SEISED** of the "Decision on Appeal from the Decision of Trial Chamber III of 18 August 2003 Denying the Application for Provisional Release," dated 8 March 2004 which ordered the remittance of the application for Provisional Release to the full bench of the Trial Chamber for its Decision;

**RECONSIDERING THEREFORE** the Defence "Motion to Fix a Date for the Commencement of the Trial of Father Emmanuel Rukundo or, in the Alternative, to Request his Provisional Release," as filed on 21 May 2003; the "Prosecutor's Response to the Defence Motion for Provisional Release (Bail) or to Fix a Date for a Pre-Trial Conference," as filed on 27 May 2003 and the Defence Reply thereto filed on 3 July 2003; and the "Registrar's Submission under Rule 33(B) of the Rules on Defence Counsel's Motion for Provisional Release of Father Emmanuel Rukundo," filed on 18 July 2003 and the Defence response thereto filed on 28 July 2003;

**CONSIDERING** the Statute of the Tribunal ("Statute") and the Rules, particularly Rule 65 as it was amended at the thirteenth plenary session of 26 and 27 May 2003;

**CONSIDERING FURTHER** the "Decision on Defence Motion to Fix a Date for the Commencement of the Trial of Father Emmanuel Rukundo or, in the Alternative, to Request his Provisional Release," dated 18 August 2003;

**NOTING** that the Trial Chamber, now fully constituted, agrees with the reasoning in the aforementioned Decision of 18 August 2003;

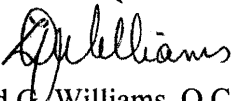
**NOW DECIDES** the matter, pursuant to Rule 73(A) of the Rules, solely on the basis of the written briefs filed by the parties;

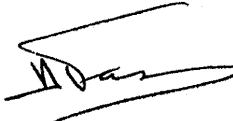
**AND HEREBY**


**ADOPTS** the reasoning in the Decision of 18 August 2003; and

**DENIES** the Defence Motion for Provisional Release.

Arusha, 16 March 2004

  
Lloyd G. Williams, Q.C.  
Presiding

  
Andréia Vaz  
Judge

  
Khalida Rachid Khan  
Judge

[Seal of the Tribunal]



18 March 2004