

ICTR-2000-55A-I
24-3-2004
(34-33)

34
ATM



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR:ENG

TRIAL CHAMBER III

Before Judges: Lloyd G. Williams, Q.C., Presiding
Andrésia Vaz
Khalida Rachid Khan

Registrar: Adama Dieng

Date: 24 March 2004

THE PROSECUTOR

v.

Tharcisse MUVUNYI

Case No. ICTR-2000-55A-I

2004 MAR 24 12:20
Handwritten signature and stamp

**DECISION ON DEFENCE MOTION TO WITHDRAW *PRO SE* MOTION
TO EXCLUDE EVIDENCE OR IN THE ALTERNATIVE MOTION FOR
EXTENSION OF TIME**

Office of the Prosecutor:

Silvana Arbia
Jonathan Moses
Adelaide West
Adesola Adeboyejo
Manuel Bouwknecht
Astou M'Bow

Defence Counsel:

William E. Taylor, Lead Counsel
Cynthia J. Cline, Legal Assistant

Handwritten signature

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

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

BEING SEIZED of the “Defendant Motion to Withdraw *Pro Se* Motion to Exclude Evidence or, in the Alternative, Motion for Extension of Time,” filed on 24 February 2004 (“Motion”), seeking a withdrawal of the Motion to Exclude Evidence and for the Return Properties Seized dated 25 November 2003, without prejudice, or for an extension of time;

CONSIDERING the Prosecutor’s Response, filed on 1 March 2004, which does not object to the withdrawal of the Motion of 25 November 2003, but objects to the alternative request for an extension of time, in view of the Chamber’s Decision of 18 November 2003 instructing the replacement of Lead Counsel and reminding the Defence that the Decision cannot be construed as a ground for the Defence to request a delay in the commencement of the trial;¹

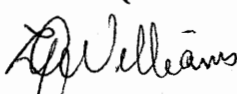
RECALLING the Decision rendered by the Chamber on 27 January 2004 ordering that Lead Counsel shall file any additional submissions not later than 25 February 2004;²

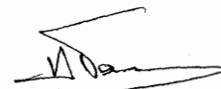
TAKING NOTE of the argument raised by the Defence that the withdrawal does not constitute a waiver to the substantive rights highlighted in the *Pro Se* Motion to Exclude Evidence, and of the Prosecutor’s non objection to such withdrawal;


THE CHAMBER HEREBY

GRANTS the Defence Motion to Withdraw *Pro Se* Motion to Exclude Evidence, and having thus decided dismisses the request for extension of time.

Arusha, 24 March 2004


Lloyd G. Williams, Q.C.
Presiding Judge


Andréia Vaz
Judge


Khalida Rachid Khan
Judge



¹ Decision on the Accused’s Request to Instruct the Registrar to Replace Assigned Lead Counsel.

² Decision on Accused Motion to Stay Proceedings Regarding Accused Motion to Exclude Evidence and for the Return of Properties Seized.