

ICTR-97-21-T
25-05-2004
(1257-1255)

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Mudiny



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

5550-

OR: ENG

TRIAL CHAMBER II

Before: Judge William H. Sekule, Presiding
Judge Arlette Ramaroson
Judge Solomy Balungi Bossa

Registrar: Mr. Adama Dieng

Date: 25 May 2004

The PROSECUTOR

v.

Pauline NYIRAMASUHUKO

Case No. ICTR-97-21-T

2004 MAY 25
JUDICIAL DEPARTMENT

DECISION ON NYIRAMASUHUKO'S MOTION FOR CERTIFICATION TO APPEAL THE "DECISION ON DEFENCE MOTION FOR RECALL WITNESSES TA, QJ, TK, SJ, SU, SS, QBP, RE, FAP, SD AND QY OR, IN DEFAULT, A DISJUNCTION OF TRIAL OR A STAY OF PROCEEDINGS AGAINST NYIRAMASUHUKO"

Office of the Prosecutor

Silvana Arbia
Adelaide Whest
Jonathan Moses
Adesola Adeboyejo
Manuel Bouwknecht, Case Manager

Defence Counsel

Nicole Bergevin
Guy Poupart

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

SITTING as Trial Chamber II composed of Judge William H. Sekule, Presiding, Judge Arlette Ramaroson and Judge Solomy Balungi Bossa (the “Chamber”);

RECALLING the “Decision on Defence Motion for Recall of Witnesses TA, QJ, TK, SJ, SS, SU, QBP, RE, FAP, SD and QY or, in Default, a Disjunction of trial or a Stay of Proceedings Against Nyiramasuhuko” of 6 May 2004 (the “Impugned Decision”);

BEING SEISED of the “Motion for Certification to Appeal the ‘Decision on Defence Motion for Recall of Witnesses TA, QJ, TK, SJ, SS, SU, QBP, RE, FAP, SD and QY or, in Default, a Disjunction of Trial or a Stay of Proceedings Against Nyiramasuhuko’”¹, filed by Nyiramasuhuko on 17 May 2004² (“the Motion”);

CONSIDERING the “Prosecutor’s Response to Nyiramasuhuko’s Motion Requesting Certification to Appeal the ‘Decision on Defence Motion for Recall of Witnesses TA, QJ, TK, SJ, SS, SU, QBP, RE, FAP, SD and QY or, in Default, a Disjunction of trial or a Stay of Proceedings Against Nyiramasuhuko’”, filed on 21 May 2004 (“the Response”);

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”);

WHEREAS Rule 73 (C) stipulates that requests for certification should be filed within seven days of the filing of the impugned decision;

WHEREAS the Impugned Decision was filed on 6 May 2004;

WHEREAS the Motion is dated 14 May 2004, was sent by fax and received by the Tribunal on 15 May 2004 and was filed on 17 May 2004;

WHEREAS the Motion should have been filed, or at least received, on 13 May 2004;

WHEREAS the Defence has not given any explanation for the delay;

WHEREAS the Trial Chamber considers that the Motion is out of time.

¹ The Motion was filed in French and originally entitled: « *Requête de Pauline Nyiramasuhuko aux fins de certification d’appel de la ‘Decision on Defence Motion for Recall of Witnesses TA, QJ, TK, SJ, SS, SU, QBP, RE, FAP, SD and QY or, in Default, a Disjunction of trial or a Stay of Proceedings Against Nyiramasuhuko’* ».

² The Motion, which is dated 14 May 2004, was received by fax on 15 May 2004 and then filed with the Central Registry on 17 May 2004.



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FOR THE ABOVE REASONS, THE TRIAL CHAMBER

DISMISSES the Motion in its entirety.

Arusha, 25 May 2004



William H. Sekule
Presiding Judge



Arlette Ramarosan
Judge



Solomy Balungi Bossa
Judge

[Seal of the Tribunal]