

ICTR-99-50-T
23-08-04
(16057-16055)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

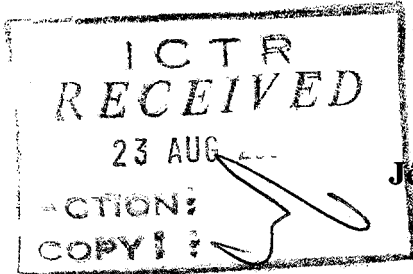
Or: ENG

TRIAL CHAMBER II

Before: Judge Khalida Rachid Khan, Presiding
Judge Lee Gacuiga Muthoga
Judge Emile Francis Short

Registrar: Mr. Adama Dieng

Date: 20 August 2004



The PROSECUTOR

v.

Casimir BIZIMUNGU

Justin MUGENZI

Jérôme-Clément BICAMUMPAKA

Prosper MUGIRANEZA

Case No. ICTR-99-50-T

**DECISION ON PROSECUTOR'S MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO FILE A RESPONSE TO THE DEFENCE MOTION FOR
DISCLOSURE OF RELEVANT MATERIAL**

Office of the Prosecutor:

Mr. Paul Ng'arua
Mr. Ibukunolu Babajide
Mr. Justus Bwonwonga
Mr. Elvis Bazawule
Mr. Shyamlal Rajapaksa

Counsel for the Defence:

Ms. Michelyne C. St. Laurent and Ms. Alexandra Marcil for Casimir Bizimungu
Mr. Howard Morrison, Q.C. and Mr. Ben Gumpert for Justin Mugenzi
Mr. Pierre Gaudreau and Mr. Michel Croteau for Jérôme-Clément Bicomumpaka
Mr. Tom Moran for Prosper Mugiraneza

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

SITTING as Trial Chamber II, composed of Judge Khalida Rachid Khan, Presiding, Judge Lee Gacuiga Muthoga and Judge Emile Francis Short, (the “Trial Chamber”);

BEING SEIZED of “Prosecutor’s Motion Moving for Extension of Time within which to File a Response to the Defence Motion for Disclosure of Relevant Material” filed on 8 July 2004, (the “Motion”);

NOTING “Justin Mugenzi’s Response to the Prosecutor’s Motion for Extension of Time in which to File a Response to the Defence Motion for the Disclosure of Relevant Material” filed on 8 July 2004, (the “Response”);

NOTING the “Prosecutor’s Reply to Justin Mugenzi’s Response to the Prosecutor’s Motion for Extension of Time in which to File a Response to the Defence Motion for the Disclosure of Relevant Material” filed on 22 July 2004, (the “Reply”);

TAKING INTO CONSIDERATION the “Motion of Defendants Bicamumpaka and Mugenzi for Disclosure of Relevant Material” filed on 5 July 2004, (the “Defendants’ Motion”);

CONSIDERING that the Prosecutor has requested an extension of time to file a Response to the Defendants’ Motion as he intends to prioritize an agreement between the Parties to dispose of the Defendants’ Motion without specifying the timeframe;

CONSIDERING that the Defence supported the Prosecutor’s Motion and prayed the Trial Chamber to grant an extension of time so that the Parties can meet to discuss the matter raised in the Defendants’ Motion;

CONSIDERING FINALLY that the Trial Chamber is *a priori* in favour of a settlement between the Parties on issues pertaining to disclosure of material when possible;

CONSIDERING FINALLY that the Prosecutor has adequately justified its request for additional time to file a Response, the Trial Chamber is of the view that an extension of time shall be granted to the Prosecutor. As regard to the new deadline, the Trial Chamber considers that it cannot decide *in abstracto* and that it shall wait until the Parties report to the Trial Chamber about the outcome of their meeting. Thus the Trial Chamber directs the parties to make additional submissions on the issue no latter than Friday 17 September 2004.

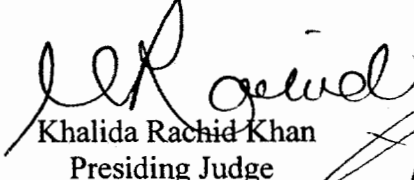
FOR THE ABOVE REASONS, THE TRIAL CHAMBER

GRANTS the Motion.

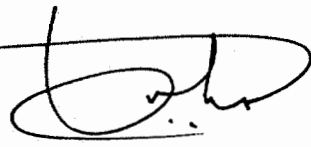


DIRECTS both Parties to make additional submission on the issue at stake no later than Friday 17 September 2004.

Arusha, 20 August 2004


Khalida Rachid Khan
Presiding Judge


Lee O'Connell Muthoga
Judge


Emile Francis Short
Judge

