



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

782

Mwanga

TRIAL CHAMBER II

ICTR-00-60-1
17 - 11 - 2004
(782 - 780)

ENGLISH
Original: FRENCH

Before: Judge Arlette Ramaroson, presiding
(Judge designated under Rule 73(A) of the Rules)

Registrar: Adama Dieng

Date: 5 November 2004

THE PROSECUTOR

v.

PAUL BISENGIMANA

Case No. ICTR-2000-60-I

**DECISION ON MOTION BY PAUL BISENGIMANA TO BE SERVED WITH
THE FRENCH TRANSLATIONS OF ALL PROCEDURAL DOCUMENTS
WITHIN REASONABLE TIME**

Office of the Prosecutor:
Charles Adeogun-Philips
Wallace Kapaya
Renifa Madenga

Counsel for the Defence:
Catherine D. Mabile

JUDICIAL RECORDS/ARCHIVES
RECEIVED
ICTR

1 2004 NOV 19 P 2:31

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

SITTING as Trial Chamber II, composed of Judge Arlette Ramaroson, Presiding Judge, designated under Rule 73(A) of the Rules of Procedure and Evidence (the “Rules”);

CONSIDERING the “Motion by Paul Bisengimana to be Served with the French Translations of all Procedural Documents Within Reasonable Time”, filed on 29 September 2003 [sic] (the “Motion”);

CONSIDERING that the Prosecutor has not responded to the said Motion;

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

HEREBY DECIDES the Motion solely on the basis of the Motion filed by the Defence.

AFTER HAVING DELIBERATED

1. The Chamber notes the Defence arguments that although it does not speak English, all the procedural documents served on it are in English, and the further argument that it receives the translations very belatedly, at the best of times, and sometimes does not receive them at all.

2. The Chamber recalls that Article 20(4)(a) of the Statute provides that: “In the determination of charges against the accused pursuant to the present Statute, the accused shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he or she understands of the nature and cause of the charge against him or her she: (...)”.

3. The Chamber further recalls that “it is imperative, for the proper administration of justice and for equality of treatment of the parties, that their written submissions, and particularly their briefs, are translated into the Tribunal’s two working languages.”¹ The Chamber subscribes to this principle and adds that, in the instant case also, the administration of justice and equal treatment of the parties require that the evidence produced at trial as well as the procedural documents be made available within reasonable time in the two working languages of the Tribunal, pursuant to Article 3(E) of the Rules.

4. With regard to the Defence’s request for disclosure of the French versions of all documents relating to the Semanza case on the grounds that the two proceedings are closely linked, the Chamber notes that the documents requested by the Defence are not among the documents that the parties are under obligation to disclose and, therefore, that part of the request must be denied.

¹ *The Prosecutor v. Jean-Paul Akayesu*, Case No. ICTR-96-4-A “Order (Motion for translation of Appellant’s Briefs)” (AC), 29 March 2001, p. 3).

780

FOR THE FOREGOING REASONS, THE TRIBUNAL,

DIRECTS the Registrar to have the documents in the instant proceedings translated into French within reasonable time and to serve them on the Defence.

DISMISSES the additional request made in the motion.

Arusha, 5 November 2004

[signed]

Judge Arlette Ramaroson

Presiding Judge

