

ICTR-01-77-I
03-03-05
(606-605)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

Before: Judge Erik Møse, President

Registrar: Adama Dieng

Date: 3 March 2005

JUDICIAL RECORDS/ARCHIVES
ICTR
2005 MAR -3 A 9:46

THE PROSECUTOR

v.

Joseph NZABIRINDA

Case No. ICTR-01-77-I

**DECISION ON PROSECUTION'S REQUEST TO WITHDRAW MOTION FOR TRIAL
IN RWANDA**

Office of the Prosecutor:

William T. Egbe
Amina Ibrahim

Counsel for the Defence

J.M. Sainte-Luce

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”);**SITTING** as Judge Erik Møse, President of the Tribunal;**BEING SEIZED OF** the “Prosecutor’s Request to Withdraw Motion For Trial in Rwanda”, filed on 2 March 2005;

CONSIDERING the “Prosecutor’s Motion for Trial in Rwanda”, filed on 6 June 2002; the Accused’s response, filed on 10 June 2002; the Prosecution’s supplemental submissions, filed on 12 June 2002; the Prosecution’s reply to the Accused’s response, filed on 17 June 2002; the Accused’s response to the Prosecution’s supplemental submissions, filed on 17 June 2002; the Ndindiliyimana Defence’s request to intervene as *amicus curiae*, filed on 25 June 2002; ADAD’s request to intervene as *amicus curiae*, filed on 28 June 2002; the Zigiranyirazo Defence’s request to intervene as *amicus curiae*, filed on 4 July 2002; the Prosecution’s response to ADAD, filed on 5 July 2002; the Prosecution’s response to the Zigiranyirazo Defence, filed on 12 July 2002; the Defence reply to the Prosecution’s motion, filed on 19 August 2003; and the Prosecution’s reply, filed on 25 August 2003;

HEREBY DECIDES the motion.

1. On 6 June 2002, the Prosecution filed a motion before the President to allow the Tribunal to exercise its functions away from the seat of the Tribunal in Arusha, Tanzania, and to hold the trial of the Accused in Rwanda. Reference was made to Rule 4 of the Rules of Procedure and Evidence. The motion was opposed by the Defence. The Prosecution now seeks leave to withdraw that motion in order to avoid any delay in the commencement of trial.
2. The Prosecution should be permitted to withdraw its motion.¹ In addition, requests under Rule 4 should first be directed to the Trial Chamber to assess the feasibility and desirability of holding all or part of a given trial in Rwanda, before authorization is sought from the President.

FOR THE ABOVE REASONS, THE TRIBUNAL**GRANTS** the request;**DECLARES** that the related *amicus curiae* motions are moot.

Arusha, 3 March 2005


Erik Møse
President

[Seal of the Tribunal]



¹ A similar request to withdraw a motion for trial in Rwanda in another case has previously been granted. See *Seromba*, Decision on the Prosecution Request to Withdraw Its Motion for Trial in Rwanda (TC), 14 January 2004.