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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

2639
na

ICTR-00-55A-T
15-07-2005
(2639-2636)

Or: ENG

TRIAL CHAMBER II

Before: Judge Asoka De Silva, Presiding
Judge Flavia Lattanzi
Judge Florence Rita Arrey

Registrar: Mr Adama Dieng

Date: 15 July 2005

JUDICIAL RECORDS ARCHIVES
ICTR
2005 JUL 15 P 2: 06
[Signature]

The PROSECUTOR

v.

Tharcisse Muvunyi

Case No. ICTR-2000-55A-T

**DECISION ON MUVUNYI'S MOTION FOR EXTENSION OF TIME TO FILE
RULE 98 BIS MOTION**

Office of the Prosecutor

Mr Charles Adeogun-Phillips
Ms Adesola Adeboyejo
Ms Renifa Madenga
Mr Dennis Mabura

Defense Counsel

Mr William Taylor
Mr Jean Flamme
Ms Cynthia Cline
Ms Veronique Pandanzyla

[Signature]

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

SITTING as Trial Chamber II, composed of Judge Asoka de Silva, Presiding, Judge Flavia Lattanzi and Judge Florence Rita Arrey (the “Chamber”);

BEING SEIZED of “Muvunyi’s Motion for Extension of Time to File Rule 98*bis* Motion” filed on 13 July 2005 (the “Motion”);

HAVING RECEIVED the Prosecutor’s Response to the Defence Motion for Extension of Time to File Rule 98*bis* Motion filed on 13 July 2005 (the “Response”);

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”), in particular Rule 98 *bis* of the Rules;

NOW DECIDES the Motion pursuant to Rule 73(A) on the basis of the written submissions filed by the parties.

SUBMISSIONS OF THE PARTIES

The Defence

1. The Defence seeks from the Chamber an order extending the timeline within which it must file its Motion for Acquittal under Rule 98 *bis* from seven days after the close of the Prosecution case, to 15 August 2005.
2. The Defence submits that the last witness for the Prosecution is expected to testify from 18 July 2005, and therefore compliance with Rule 98 *bis* would be due on 25 July 2005.
3. The Defence further argues that Lead Counsel will depart Arusha on 21 July 2005 on an investigative mission, and would not be in position to review the motion until 1 August 2005, when he returns to Houston, Texas. The Defence submits that other team members are scheduled to leave Arusha at about the same time, and that all team members have approval until 21 July 2005 to remain in Arusha.
4. The Defence further submits that due to the different legal traditions of members of the Defence Team (common-law and civil Law), the Accused would like all team members to have an input into the final motion.
5. The Defence further argues that since English is not the first language of the Accused, he will need further time to review the motion before it is filed.



6. The Defence represents to the Chamber that the extension of time sought, will not affect the filing of the pre-defence brief.

The Prosecution

7. The Prosecution indicates in his Response that it has no objection to the Chamber granting the extension of time sought by the Defence.

DELIBERATIONS

8. The Chamber recalls that Rule 98 *bis* provides in relevant part that the Chamber may, pursuant to a Motion by the Accused filed within seven days after the close of the Prosecution's case-in-chief, unless the Chamber orders otherwise, enter a judgement of acquittal on some counts of the indictment.

9. The Chamber notes that the last witness for the Prosecution is expected to commence his testimony from Monday, 18 July, to Thursday 21 July, 2005. Based on that schedule, the Chamber anticipates that the Prosecution case-in-chief will close on 21 July and not on 18 July as stated by the Defence.

10. The Chamber notes the Defence concerns that Lead Counsel may not have an opportunity to review the motion during his travels on investigative duty between 21 July and 1 August 2005.

11. The Chamber has also taken into account the language difficulties alluded to by the Defence and considers that it would be in the interests of justice to grant the Accused and all members of his Defence Team adequate time to prepare the Motion for acquittal and to review it.

12. The Chamber also recalls Article 20 of the Statute which guarantees the right of the accused person to adequate time and resources for the preparation of his defence and to communicate with his counsel.

13. Finally, The Chamber notes that the Prosecution has no objection to the Chamber granting the Defence an extension of time to file the Rule 98 *bis* motion within the timeframe outline in the Motion.

FOR THE ABOVE REASONS, THE CHAMBER

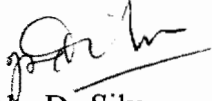
GRANTS the Motion; and

ORDERS that the Accused file his Motion for Acquittal under Rule 98 *bis*, not later than 15 August 2005; the Prosecution shall file its Response not later than 29 August 2005;



thereafter, each Party shall have five days within which respond to any subsequent pleadings filed.

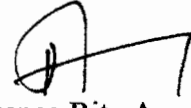
Arusha, 15 July 2005.



Asoka De Silva
Presiding Judge



Flavia Lattanzi
Judge



Florence Rita Arrey
Judge

(Seal of the Tribunal)

