



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED NATIONS
NATIONS UNIES

Or: ENG

TRIAL CHAMBER II

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

Registrar: Mr. Adama Dieng

Date: 13 September 2005

The PROSECUTOR
v.
Casimir BIZIMUNGU
Justin MUGENZI
Jérôme-Clément BICAMUMPAKA
Prosper MUGIRANEZA

Case No. ICTR-99-50-T

2005 SEP 13 P 5:20
AmBarette
10/11

**DECISION ON PROSPER MUGIRANEZA'S MOTION FOR EXTENSION OF
TIME TO FILE PRE DEFENCE BRIEF**

Office of the Prosecutor:

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

Counsel for the Defence:

Ms. Michelyne St. Laurent and Ms. Alexandra Marcil, for **Casimir Bizimungu**
Mr. Ben Gumpert, for **Justin Mugenzi**
Mr. Pierre Gaudreau and Mr. Michel Croteau, for **Jérôme-Clément Bicamumpaka**
Mr. Tom Moran and Ms. Marie-Pierre Pouline, 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 “Chamber”);

BEING SEIZED of “Prosper Mugiraneza’s Motion for Extension of Time to File Pre Defence Brief Pursuant to Rule 73 *ter* (B)”, filed on 9 September 2005 (the “Motion”);

CONSIDERING the Statute of the Tribunal (the “Statute”) and the Rules of Procedure and Evidence (the “Rules”), particularly Rule 73 *ter* of the Rules;

HEREBY decides the Motion, pursuant to Rule 73 (A) of the Rules, upon the basis of the written submissions of the Parties;

Defence Submissions

1. The Defence requests an extension of time, until 20 October 2005, within which to file its Pre-Defence Brief. Alternatively it requests leave to amend its witness and exhibit list.
2. The Defence states that it is still in the process of finalizing its witness list, and informs the Chamber that there have been “possible misunderstandings between Mugiraneza’s counsel and the Defence Counsel and Detention Management Section” concerning requests for travel. Furthermore, a mission scheduled for July and August was aborted because the Defence interviewer became ill with malaria.
3. The Defence states that until such time as the Chamber rules on its Rule 98 *bis* Motion the Accused will not know what charges, if any, he faces.
4. Finally, the Defence states that since Mugiraneza will present his evidence last, his case will remain a work in progress, until his co-Accused have presented their cases.

DELIBERATIONS

5. The Defence has failed to convince the Chamber that an extension of time in which to file its Pre-Defence brief is justified. The Defence has had adequate time to prepare its case, and time is still running.
6. The Chamber emphasises that it is not necessary to wait for the adjudication of the pending Rule 98 *bis* Motion before the Defence files its Pre-Defence Brief. Should it be necessary for the Chamber to order acquittal or partial acquittal of the Accused on the basis of the Rule 98 *bis* Motion, the Defence witness list, exhibit list and brief can be amended at that time, if necessary.



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7. The alternative Defence request for leave to amend its witness and exhibit list is premature.

FOR THE ABOVE REASONS THE CHAMBER

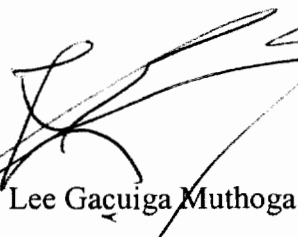
DENIES the Defence Motion in its entirety.

Arusha, 13 September 2005.



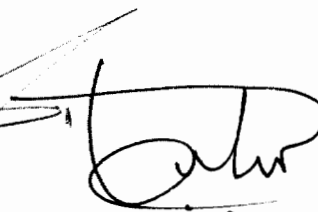
Khalida Rachid Khan

Presiding Judge



Lee Gacuiiga Muthoga

Judge



Emile Francis Short

Judge

[Seal of the Tribunal]

