



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-99-50-T
26-09-2005
(22271-22269)

22271
OR

Or: ENG

TRIAL CHAMBER II

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

Registrar: Mr. Adama Dieng

Date: 26 September 2005

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

Case No. ICTR-99-50-T

2005 sept 26 P 14:00
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**DECISION ON CASIMIR BIZIMUNGU AND JÉRÔME BICAMUMPAKA'S
EXTREMELY URGENT MOTION REQUESTING THE CHAMBER TO ORDER
URGENT TRANSLATION OF THE PROSECUTOR'S RESPONSE PURSUANT
TO RULE 98 BIS OF THE RULES AS WELL AS TIME TO FILE A REPLY**

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**

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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 “Casimir Bizimungu and Jérôme Bicomumpaka’s Extremely Urgent Motion Requesting the Chamber to Order Urgent Translation of the Prosecutor’s Response Pursuant to Rule 98 *bis* of the Rules as Well as Time to File a Reply”, filed on 11 August 2005 (the “Motion”);

CONSIDERING the “Prosecutor’s Consolidated Response to Dr. Bizimungu Mr. Bicomumpaka and Mr. Mugiraneza’s Motion for Extension of Time Within Which to File their Replies and Request for Urgent Translation of the Prosecutor’s Response Pursuant to Rule 98 *bis*”, filed on 17 August 2005 (the “Response”);

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;

SUBMISSIONS

1. The Defence of Casimir Bizimungu and Jérôme Bicomumpaka request that the Chamber order urgent translation of the “Prosecutor’s Response to Defence Motions for Acquittal pursuant to Rule 98 *bis* of the Rules of Procedure and Evidence”, filed on 4 August 2005 (the “Prosecutor’s Response to Defence Motions for Acquittal”). This document was filed in English only, and the Defence claim that given its volume and complexity, they will require a French translation. They further request that the Chamber grant sufficient time following the translation of the document to enable them to prepare and file a Reply.
2. The Prosecution does not object to the Motion.

DISCUSSION

3. The Prosecutor’s Response to Defence Motions for Acquittal comprises a legal brief (the “Brief”) and an annex (the “Annex”). The Brief extends to approximately 100 pages of legal argument. The Annex comprises approximately 200 pages of summaries and references. Both were filed in English only.
4. Following the filing of the present Motion, a meeting was arranged between representatives of the Language Services Section, Chambers Support Section, and Court Management Section, to discuss translation priorities. The Parties




- were subsequently informed as to the possible timeline for translation of the Annex and the Brief.
5. Lead Counsel for Casimir Bizimungu and Jérôme Bicomumpaka informed the Chamber by letter that they would be agreeable to receiving a French translation of the Brief only, and would not require the Annex to be translated into French.¹ Counsel for Bizimungu further requested that an additional ten days be allowed following receipt of the translated Brief within which to file a Reply.²
 6. The Chamber notes that the Brief is a lengthy and complex document, and once the French translation is received, it will require close analysis. Under the circumstances, it is reasonable that the Defence for Casimir Bizimungu should be given additional time within which to file its Reply.
 7. On 18 September 2005, the Defence for Jérôme Bicomumpaka filed its Reply to the Prosecutor's Response to Defence Motions for Acquittal. As regards the Defence for Jérôme Bicomumpaka, the Chamber declares the Motion to be moot.

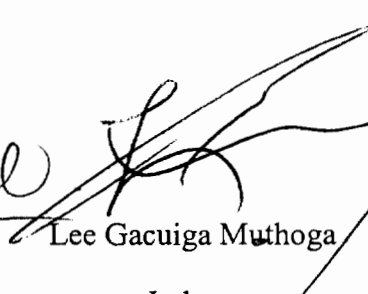
FOR THE ABOVE REASONS THE CHAMBER

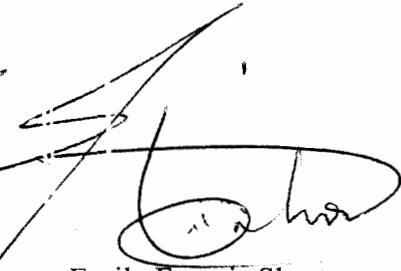
GRANTS the Defence Motion in the **FOLLOWING TERMS ONLY:**

ALLOWS the Defence for Casimir Bizimungu ten days within which to file a Reply to the Prosecutor's Response to Defence Motions for Acquittal. This time will begin to run upon transmission to the Parties of the French translation of the Brief.

Arusha, 26 September 2005.


Khalida Rachid Khan
Presiding Judge


Lee Gacuiya Muthoga
Judge


Emile Francis Short
Judge



¹ Letter from Ms. St. Laurent, Lead Counsel for Casimir Bizimungu, to Mr. William Romans, Associate Legal Officer, dated 05/09/2005; Letter from Mr. Pierre Gaudreau, Lead Counsel for Jérôme Bicomumpaka, to Mr. William Romans, Associate Legal Officer, dated 15/09/2005.

² *Ibid.*