



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Dennis C. M. Byron, Presiding
Emile Francis Short
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 28 February 2006

THE PROSECUTOR

v.

Édouard KAREMERA
Mathieu NGIRUMPATSE
Joseph NZIRORERA

Case No. ICTR-98-44-T

**ORAL DECISION ON CERTIFICATION OF THE ORAL DECISION OF
16 FEBRUARY 2006 FOR STAY OF PROCEEDINGS**

Office of the Prosecutor:

Don Webster
Gregory Lombardi
Iain Morley
Gilles Lahaye
Sunkarie Ballah-Conteh
Takeh Sendze

Defence Counsel for Édouard Karemera
Dior Diagne Mbaye and Félix Sow

Defence Counsel for Mathieu Ngirumpatse
Chantal Hounkpatin and Frédéric Weyl

Defence Counsel for Joseph Nzirorera
Peter Robinson and Patrick Nimy Mayidika
Ngimbi

See transcripts E: p. 41-42 (original language) – F: p. 44-45

MR. PRESIDENT:

With regard to the application regarding the stay of proceedings, we have considered the application for certification with -- filed by both the Prosecutor and the Defence with regard to the oral motion that we had -- oral decision we had given on the stay of proceedings. The Prosecution motion regarding certification with regard to the EDS situation meets the criteria for certification under Rule 73 *bis* – Rule 73(B).

We considered that, in those circumstances, that we should allow the application for the Defence to appeal other aspects of the oral rulings so that there would be one package in relation to the appeal, as the issues raised by both parties are intertwined. So we have granted certification for appeal of the oral decision with regard to stay of proceedings filed by both Nzirorera and the Prosecutor.

Now, we have considered the application for a stay of appeal -- stay of proceedings pending the appeal, and we have concluded that that application should be denied. There's a basic rule that appeals do not automatically require that the proceedings should be stayed, and as we have seen the proceedings, as we have expressed on a number of occasions over the last two weeks, we don't think that there is any good reason to justify a postponement of the trial pending the determination of the appeal on this issue. Any rulings that the appeal make could have effect whether the proceedings continue or not. So we deny the application for stay pending appeal.

That's our ruling on the matter. With regard to the other two motions, we will address them as soon as we can, probably during the course of tomorrow.