



International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

OR: ENG

**TRIAL CHAMBER III**

**Before Judges:** Dennis C. M. Byron, Presiding  
Jai Ram Reddy  
N. Joseph Asoka de Silva

**Registrar:** Adama Dieng

**Date:** 23 March 2006

**THE PROSECUTOR**

**v.**

**Michel BAGARAGAZA**

*Case No. ICTR-2005-86-PT*

---

**ORDER FOR FURTHER SUBMISSIONS CONCERNING THE MOTION FOR  
REFERRAL OF THE INDICTMENT TO THE KINGDOM OF NORWAY**

---

**Office of the Prosecutor:**

Hassan Bubacarr Jallow  
Stephen J. Rapp

**Defence Counsel:**

Geert-Jan Alexander Knoops

## INTRODUCTION

1. On 15 February 2006, the Prosecutor submitted a request for referral of the Indictment in this case to the Kingdom of Norway. The Defence responded to the request and supported the Motion in principle, but also made further requests to the Chamber.[\[1\]](#) Pursuant to Rule 11*bis*(A), the President designated this Trial Chamber to decide on the Motion.[\[2\]](#)

2. In order to fully assess the Motion, the Chamber requires additional submissions from the Parties, and from the Kingdom of Norway.

3. In view of the interest in Rule 11*bis* that other persons, Organizations and/or States may have, the Chamber recalls the provisions of Rule 74 which states that any interested party may be granted leave to appear or make submissions on any issue specified by the Chamber.

## THE CHAMBER, HEREBY

**I. ORDERS** the Parties to file, within 14 days from the date of the present Order, further submissions on:

(i) Whether the gravity of the crimes charged and the level of responsibility of the Accused, as enshrined in Security Council Resolution 1534 (2004) should be taken into account by the Chamber when deciding on the Motion; and

(ii) If the answer to Issue 1 is in the affirmative, how the gravity of the crimes charged and the level of responsibility should affect the Chamber's Decision on whether or not to make a Referral Order;

**II. ORDERS** the Parties and **INVITES** the Kingdom of Norway to file, within 14 days from the date of the present Order, further submissions on whether the Kingdom of Norway has jurisdiction on the crimes charged in the Indictment as confirmed against the Accused, pursuant to Rule 11*bis*(A)(iii);

**III. INVITES** each of them to respond to the others' submissions within 21 days from the date of the present Order.

Arusha, 23 March 2006, done in English.

Dennis C. M. Byron  
Presiding Judge

Jai Ram Reddy  
Judge

N. Joseph Asoka de Silva  
Judge

[Seal of the Tribunal]

[\[1\]](#) Filed on 20 February 2006

[\[2\]](#) Designation of Trial Chamber Under Rule 11*bis* (President), 21 February 2006.