



ICTR-01-63-1
21-04-2006
(651 - 649)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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S. Musoke

TRIAL CHAMBER I

Before: Judge Erik Møse
Registrar: Adama Dieng
Date: 21 April 2006

THE PROSECUTOR

v.

Siméon NCHAMIHIGO

Case No. ICTR-2001-63-I

2006 APR 21 P. 1:17
SECRETARY GENERAL
ICTR

DECISION ON DEFENCE MOTION TO SET A DATE FOR TRIAL

The Prosecution
Alphonse Van

The Defence
Denis Turcotte

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SITTING as Judge Erik Møse, designated by the Trial Chamber pursuant to Rule 73 of the Rules of Procedure and Evidence of the Tribunal;

BEING SEIZED OF the “Requête de la Défense aux fins de fixation de la date d’ouverture du procès”, filed on 6 March 2006;

CONSIDERING the Prosecution Response, filed on 8 March 2006;

HEREBY DECIDES the motion.

INTRODUCTION

1. On 29 June 2001, the Accused made his initial appearance and pleaded not guilty to all three counts in the Indictment. The Defence complains that there has since been no progress in the case, and requests the setting of a date for the commencement of the trial. The Defence specifically asks that the trial start in September 2006 and that a Pre-trial Conference be scheduled accordingly. The Prosecution expresses its willingness to advance the proceedings and suggests that a Status Conference be held, as a Pre-trial Conference is premature.

DELIBERATIONS

2. At the initial appearance of the Accused, the Presiding Judge affirmed that “[t]he date for trial will be set later”.¹ Such indication satisfies the provisions of Rule 62 (A) of the Rules and conforms to the Tribunal’s jurisprudence.²

3. The Chamber is mindful of the right of the Accused to be tried without undue delay. The date for commencement of any particular trial depends on a variety of factors, some of which cannot be determined in the absence of consultation with both parties. In order to facilitate this consultation, the Chamber directed the Registry to ascertain the parties’ availability for a status conference. The Defence indicated that it could be available from 15 May 2006, and the conference has been scheduled for 19 May 2006. Setting a date for the commencement of trial prior to this consultation would be premature.

¹ *Nchamihigo*, T. 29 June 2001, p. 32.

² *Rukundo*, Decision on the Motion of the Defence for Setting of a Date for the Commencement of Trial or Alternatively, the Transfer of the Case to a National Jurisdiction (TC), 1 June 2005, para. 14 (“As regards the question of determination of a date for the commencement of the trial, the Chamber reiterates that it is a matter for the general administration of the Tribunal and its judicial calendar. The Tribunal evaluates priorities taking into account notably the gravity of the crimes charged, the rights of all accused to have a fair trial within a reasonable time and the availability of Tribunal facilities in setting the judicial calendar”; unofficial translation). This passage was also referred to and concurred with in *Nsengimana*, Decision on Nsengimana’s Motion for the Setting of a Date for a Pre-Trial Conference, a Date for the Commencement of Trial, and for Provisional Release, 11 July 2005 (TC), paras. 14-15.

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FOR THE ABOVE REASONS, THE CHAMBER

DECLARES the motion premature.

Arusha, 21 April 2006



Erik Møse
Judge

[Seal of the Tribunal]

