



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-98-41-T
02-05-2006
(27174-27172)

27174

S. Muna

TRIAL CHAMBER I

Before: Judge Erik Møse
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 2 May 2006

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

2006 MAY -2 A.D. 18
S. Muna

DECISION ON REQUEST FOR EXTENSION OF TIME TO RESPOND

The Prosecution

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid

The Defence

Raphaël Constant
Allison Turner
Paul Skolnik
Frédéric Hivon
Peter Erlinder
André Tremblay
Kennedy Ogetto
Gershom Otachi Bw'Omanwa

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

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SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the Prosecution "Urgent Request for Extension of Time", etc., filed on 4 April 2006;

CONSIDERING the Response filed by the Ntabakuze Defence on 10 April 2006;

HEREBY DECIDES the motion.

1. On 28 March 2006, the Ntabakuze Defence filed a motion for exclusion of evidence as falling outside the scope of the Indictment.¹ The Prosecution asks for an extension to respond to the motion until 15 June 2006, or until five days after all of the Defence teams have filed such a motion, whichever is later. The Prosecution argues that given the length of the motion, five days is too short a period to prepare an adequate response. Furthermore, since there will be substantial overlap in the response to each of the motions, judicial economy is served by a single, omnibus response to all four motions. Finally, granting the request will not prejudice the Defence, which will not commence the next trial segment until mid-May.

2. Any motion to declare evidence inadmissible as irrelevant to the Indictment will depend on common legal principles. However, as is evident from the Ntabakuze motion, and the Chamber's recent decision on this question, the central question to be decided is the relationship of the evidence to the wording of the Indictment.² Although some of the evidence identified in the motion may be relevant to other Accused, the vast majority is pertinent only to the Accused Ntabakuze. Given the fact-specific nature of the issues to be decided, the Chamber sees little advantage in extending the deadline so as to permit an omnibus response. At the time of the present decision, not all Defence teams have filed their motion for exclusion of evidence, and the next trial segment is approaching.³

3. As of 8 May 2006, the Prosecution will have had forty-one days to respond to the motion. The Chamber considers this sufficient time and shall, in its discretion, set this as the deadline for submission of a response.

¹ Ntabakuze Defence Motion for the Exclusion of Evidence of Allegations Falling Outside the Scope of the Indictment (TC), 28 March 2006.

² *Bagosora et al.*, Decision on Exclusion of Testimony Outside the Scope of the Indictment (TC), 27 September 2006.

³ The Chamber notes that the Defence for Kabiligi, who is included in the same Indictment as Ntabakuze, filed its motion for exclusion of evidence about four weeks ago, *see* Motion on Prejudice Caused by the Testimony of Prosecution Witnesses on Facts not Included in the Amended Indictment, 5 April 2006.

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FOR THE ABOVE REASONS, THE CHAMBER

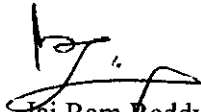
DENIES the motion in part;

DECLARES that the Response to the Ntabakuze Motion mentioned above shall be filed no later than 8 May 2006.

Arusha, 2 May 2006



Erik Møse
Presiding Judge



Jai Ram Reddy
Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

