



ICTR 98-41-T  
21-06-2006  
(28226-28225)  
International Criminal Tribunal for Rwanda  
Tribunal pénal international pour le Rwanda

28226  
S. Nkomo

# TRIAL CHAMBER I

**Before:** Judge Erik Møse, presiding  
Judge Jai Ram Reddy  
Judge Sergei Alekseevich Egorov

**Registrar:** Adama Dieng

**Date:** 21 June 2006

## THE PROSECUTOR

v.

**Théoneste BAGOSORA**

**Gratien KABILIGI**

**Aloys NTABAKUZE**

**Anatole NSENGIYUMVA**

*Case No. : ICTR-98-41-T*

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[Signature]

## DECISION ON COMMENCEMENT OF KABILIGI DEFENCE AND FILING OF PRE-DEFENCE BRIEF

### **The Prosecution**

Barbara Mulvaney  
Drew White  
Christine Graham  
Rashid Rashid

### **The Defence**

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

Ch

28225

**THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA**

**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 "Motion Requesting Witness List and Pre-Defence Brief from the Kabiligi Defence", filed on 12 December 2005;

**CONSIDERING** the oral submissions of the parties on 20 June 2006;

**HEREBY DECIDES** the motion.

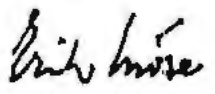
1. The Accused Bagosora, Nsengiyumva and Ntabakuze have been concurrently presenting their defences since 11 April 2005. Kabiligi was permitted to postpone the presentation of his defence, following the replacement of Lead Counsel on 24 January 2005.<sup>1</sup> As part of that decision, the Chamber ruled that Kabiligi was required to file his Pre-Defence Brief no less than 30 days before the beginning of his case. On 7 April 2006, the Kabiligi Defence confirmed that it would be in a position to file its Pre-Defence Brief on 14 July 2006, in anticipation of the start of its defence on 14 August 2006.<sup>2</sup> The Prosecution submits that it needs more than thirty days to conduct its investigations before the start of the Kabiligi Defence, in light of the resource constraints arising from the summer recess.

2. The Chamber considers that it is in the interests of justice to require the Kabiligi Defence to file its Brief on Friday, 7 July 2006, being 38 days before the scheduled start of its case.

**FOR THE ABOVE REASONS, THE CHAMBER**

**ORDERS** that the Kabiligi Pre-Defence Brief, which shall include witness identifying information and summaries of expected testimony, shall be filed no later than 7 July 2006.

Arusha, 21 June 2006

  
Erik Møse  
Presiding Judge

  
Jai Ram Reddy  
Judge

  
Sergei Alekseevich Egorov  
Judge

[Seal of the Tribunal]



<sup>1</sup> *Bagosora et al.*, Decision on Postponement of Defence of Accused Kabiligi (TC), 21 April 2005.

<sup>2</sup> T. 7 April 2006 p.16.