



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-98-41-T
(34504 - 34502)

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TRIAL CHAMBER I

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

Registrar: Adama Dieng

Date: 13 March 2007

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No.: ICTR-98-41-T

2007 MAR 13 P 2:33
JUDICIAL RECORDS ARCHIVES
RECEIVED

DECISION ON BAGOSORA DEFENCE MOTION CONCERNING
SCHEDULING OF ITS CLOSING BRIEF

The Prosecution

Barbara Mulvaney
Drew White
Christine Graham
Rashid Rashid
Gregory Townsend
Kartik Murukutla

The Defence

Raphaël Constant
Allison Turner
Paul Skolnik
Frédéric Hivon
Peter Erlinder
Marc Nerenberg
Kennedy Ogetto
Gershon 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 Bagosora Defence "Motion to Schedule the Filing of its Closing Brief", filed on 13 December 2006;

CONSIDERING the parties' submissions at the Status Conference on 19 January 2007;

HEREBY DECIDES the motion.

INTRODUCTION

1. At the Status Conference on 19 January 2007, the Chamber decided that the Prosecution and Defence would file consecutive Closing Briefs: the Prosecution by 2 March 2007 and the four Defence teams by 2 April 2007.¹ This decision disposed of a joint Defence motion concerning scheduling of such briefs.² The Chamber did not rule on the Bagosora Defence's separate motion concerning its Closing Brief, which is the subject of the present decision, but stated that it would contact the Language Section and the parties in order to expedite the translation process.³

DELIBERATIONS

2. The Prosecution filed its Closing Brief on 1 March 2007, one day prior to its deadline.⁴ It amounts to 953 pages. In parallel with its drafting, parts were translated. On 9 March 2007, the Bagosora Defence informed the Chamber that it had received a provisional translation of the Prosecution Closing Brief for Chapters I, II, III, VIII, IX, X, and XI, totalling approximately 300 pages. According to the Language Section, the entire document will be translated by 16 April 2007.

3. The Bagosora Defence submits, in particular, that unlike the three other Defence teams, the working language of Bagosora and Lead Counsel is French and that Article 20 guarantees the Accused the right to be informed of the case against him in French at every stage of the proceedings, including the final brief.⁵ The Defence originally requested that it be allowed to file its Closing Brief in both English and French six weeks after the filing of the French version of the Prosecution Brief. During the Status Conference, it indicated that a period of four weeks would be sufficient.⁶ The Chamber notes that even though parts of the Prosecution Closing Brief have been translated, substantial sections remain. The Language Section has confirmed that it will continue to provide the Defence with translated parts of the

¹ T. 19 January 2007 p. 16.

² Joint Defence Motion on Scheduling for the Filing of the Prosecution and Defence Closing Briefs, filed on 6 December 2006.

³ T. 19 January 2007 pp. 22-23.

⁴ Prosecutor's Final Trial Brief, filed on 1 March 2007.

⁵ Bagosora Motion, paras. 3, 6, 8-16; T. 19 January 2007 pp. 21-22.

⁶ T. 19 January 2007 p. 21 ("Can the Trial Chamber not take the decision, that is, the principle that the Bagosora Defence can file its submissions one month after having seen the French version of the Prosecution brief in its entirety?")

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Brief on a consecutive basis. The Chamber decides to extend the deadline for the filing of the Bagosora Closing Brief until Thursday 10 May 2007.⁷

4. At the Status Conference, the Chamber did not fix the dates for the oral hearing in view of the difficulty to know the time needed for translation. It indicated that oral submissions would take place as early as possible in May, but that the parties had to be available throughout the month.⁸ The Chamber now decides that the oral hearing will take place from Monday 28 May to Friday 1 June 2007. This will give all parties sufficient time to prepare.

FOR THE ABOVE REASONS, THE CHAMBER

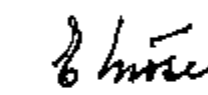
ORDERS that the Bagosora Defence file its Closing Brief by 10 May 2007;

DECIDES that the oral presentation of closing arguments by the parties take place from 28 May to 1 June 2007.

Arusha, 13 March 2007



Erik Mose
Presiding Judge



Jai Ram Reddy
P.P. Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]



⁷ The Defence originally stated that it intended to submit its Closing Brief simultaneously in both English and French but that the original version will be in French (Motion, paras. 17-24). It is sufficient that the original version be filed within the deadline.

⁸ T. 19 January 2007 p. 23.



TRANSMISSION SHEET FOR FILING OF DOCUMENTS WITH CMS

COURT MANAGEMENT SECTION
(Art. 27 of the Directive for the Registry)

I - GENERAL INFORMATION (To be completed by the Chambers / Filing Party)

To:	<input checked="" type="checkbox"/> Trial Chamber I N. M. Diallo	<input type="checkbox"/> Trial Chamber II R. N. Kouambo	<input type="checkbox"/> Trial Chamber III C. K. Hometowu	<input type="checkbox"/> Appeals Chamber / Arusha F. A. Talon
	<input type="checkbox"/> Chief, CMS J.-P. Fomété	<input type="checkbox"/> Deputy Chief, CMS M. Diop	<input type="checkbox"/> Chief, JPU, CMS M. Diop	<input type="checkbox"/> Appeals Chamber / The Hague R. Muzigo-Morrison K. K. A. Afande
From:	<input checked="" type="checkbox"/> Chamber I Judge Mose Judge Reddy Judge Egorov (names)	<input type="checkbox"/> Defence (names)	<input type="checkbox"/> Prosecutor's Office (names)	<input type="checkbox"/> Other: (names)
Case Name:	The Prosecutor vs. BAGOSORA ET AL.			Case Number: ICTR-98-41-T
Dates:	Transmitted: 13 MARCH 2007		Document's date: 13 MARCH 2007	
No. of Pages:	3	Original Language:	<input checked="" type="checkbox"/> English	<input type="checkbox"/> French <input type="checkbox"/> Kinyarwanda
Title of Document:	DECISION ON BAGOSORA DEFENCE MOTION CONCERNING SCHEDULING OF ITS CLOSING BRIEF			
Classification Level:	<input type="checkbox"/> Strictly Confidential / Under Seal <input type="checkbox"/> Confidential <input checked="" type="checkbox"/> Public			
TRIM Document Type:	<input type="checkbox"/> Indictment <input type="checkbox"/> Warrant <input type="checkbox"/> Correspondence <input type="checkbox"/> Submission from non-parties <input checked="" type="checkbox"/> Decision <input type="checkbox"/> Affidavit <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Submission from parties <input type="checkbox"/> Disclosure <input type="checkbox"/> Order <input type="checkbox"/> Appeal Book <input type="checkbox"/> Accused particulars <input type="checkbox"/> Judgement <input type="checkbox"/> Motion <input type="checkbox"/> Book of Authorities			

II - TRANSLATION STATUS ON THE FILING DATE (To be completed by the Chambers / Filing Party)

CMS SHALL take necessary action regarding translation.

☒ Filing Party hereby submits only the original, and will **not submit** any translated version

☐ Reference material is provided in annex to facilitate translation.

Target Language(s):

☐ English ☒ French ☐ Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party hereby submits BOTH the original and the translated version for filing, as follows:

Original	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda
Translation	in	<input type="checkbox"/> English	<input type="checkbox"/> French	<input type="checkbox"/> Kinyarwanda

CMS SHALL NOT take any action regarding translation.

☐ Filing Party will be submitting the translated version(s) in due course in the following language(s):

☐ English ☐ French ☐ Kinyarwanda

KINDLY FILL IN THE BOXES BELOW

<input type="checkbox"/> The OTP is overseeing translation. The document is submitted for translation to: <input type="checkbox"/> The Language Services Section of the ICTR / Arusha. <input type="checkbox"/> The Language Services Section of the ICTR / The Hague. <input type="checkbox"/> An accredited service for translation; see details below: Name of contact person: Name of service: Address: E-mail / Tel. / Fax:	<input type="checkbox"/> DEFENCE is overseeing translation. The document is submitted to an accredited service for translation (fees will be submitted to CC DMS). Name of contact person: Name of service: Address: E-mail / Tel. / Fax:
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III - TRANSLATION PRIORITISATION (For Official use ONLY)

<input type="checkbox"/> Top priority	COMMENTS	<input type="checkbox"/> Required date:
<input type="checkbox"/> Urgent		<input type="checkbox"/> Hearing date:
<input type="checkbox"/> Normal		<input type="checkbox"/> Other deadlines: