



ICTR-05-87-1
11-07-2007
(709 - 708)

709
S. Muvira

OR: ENG

OFFICE OF THE PRESIDENT

Before: Judge Dennis C. M. Byron, President
Registrar: Adama Dieng
Date: 11 July 2007

THE PROSECUTOR

v.

Wenceslas MUNYESHYAKA

Case No. ICTR-05-87-1

JUDICIAL RECORDS SECTION
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**DESIGNATION OF A TRIAL CHAMBER FOR THE REFERRAL OF THE
CASE TO A STATE**

Rule 11 bis of the Rules of Procedure and Evidence

The Prosecution

Hassan Bubacar Jallow
Bongani Majola
James Stewart
Alex Obote
Wallace Kapaya
George Mugwanya

1. On 12 June 2007, the Prosecutor filed a motion seeking the referral of the case of Wenceslas Munyeshyaka to the authorities of France, under Rule 11 *bis* of the Rules of Procedure and Evidence (the "Rules").¹

2. According to that provision of the Rules, after an indictment against an accused has been confirmed, the President of the Tribunal may designate a Trial Chamber for the purpose of referring a case to the authorities of a State in whose territory the crime was committed, in which the accused was arrested, or having jurisdiction and being willing and adequately prepared to accept such a case.

3. In the present case, the Indictment against Wenceslas Munyeshyaka was confirmed on 20 July 2005, and the accused is not in the custody of the Tribunal.

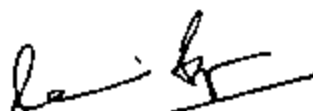
4. In view of the submissions of the Prosecutor and after considering Rules 19 (A) and 27 (C) which confer on the President the responsibility of co-ordinating the work of Chambers and the composition and re-composition of Trial Chambers for the efficient judicial administration of the Tribunal, the President is of the view that a referral bench may be designated under Rule 11 *bis* of the Rules.

FOR THE ABOVE REASONS, THE PRESIDENT

I. GRANTS the Prosecutor's request to designate a referral bench; and

II. DECIDES that Trial Chamber III, comprising Judges Inés Mónica Weinberg de Roca, presiding, Lee Gacuiga Muthoga, and Robert Fremr, will determine the matter in accordance with Rule 11 *bis* of the Rules.

Arusha, 11 July 2007, done in English.



Dennis C. M. Byron
President

[Seal of the Tribunal]



¹ Prosecutor's Request for the Referral of the Case of Wenceslas Munyeshyaka to France Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, filed on 12 June 2007; Corrigendum to the Prosecutor's Rule 11 *bis* Request, filed on 27 June 2007.