



UNITED NATIONS
NATIONS UNIES

ICTR-05-85-I
19-9-2007
(426 - 424)

426
Hm

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Inés M. Weinberg de Roca, Presiding
Lee Gacúga Muthoga
Robert Fremr

Registrar: Adama Dieng

Date: 19 September 2007

2007 SEP 19 P.M. 50
JUDICIAL DEPARTMENT ARCHIVES
RECEIVED

THE PROSECUTOR

v.

Laurent BUCYIBARUTA

Case No. n° ICTR-2005-85-1

ORDER FOR FURTHER SUBMISSIONS OF THE PROSECUTOR

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:
Hassan Bubacar Jallow
Bongani Majola
James Stewart
Alex Obote
George Mugwanya
Inneke Onsea
François Nsanzuwera
Florida Kabasinga

Defence Counsel:

1. On 12 June 2007, the Prosecutor submitted a request for Referral of the Indictment, in the case against *Laurent Bucyiburuta* (the "Accused"), to the Republic of France (the "Referral Motion") on the basis that the Accused was living in that country.¹ Pursuant to Rule 11 *bis* (A) of the Rules of Procedure and Evidence (the "Rules"), the President of the Tribunal² designated this Trial Chamber to decide the Referral Motion³.

2. On 25 June 2007, the Prosecutor requested the French authorities to arrest the Accused in execution of a Warrant of Arrest issued by the Tribunal⁴. On 20 July 2007, the French Authorities arrested the Accused.⁵ On 1 August 2007, a French Court rescinded the effects of the Warrant of Arrest and released the Accused⁶.

3. On 13 August 2007, an Order for arrest, detention and transfer against the Accused was issued by the Tribunal⁷. The French Authorities implemented that Order by arresting the Accused on 5 September 2007⁸. On 13 September 2007, the French Court, in charge of assessing the validity of the arrest and the transfer request, postpones the hearings to Wednesday 19 September 2007⁹.

4. The Chamber recalls Rule 54 of the Rules of the Procedure and Evidence, which states that a Trial Chamber may, *proprio motu*, issue such orders as may be necessary for the preparation or conduct of trial.

¹ Prosecutor's Request for Referral of the Case of Wenceslas Munyeshyaka to France pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence (the "Referral Motion"), 12 June 2007.

² The term "Tribunal" refers to the International Criminal Tribunal for Rwanda or ICTR.

³ Designation of Trial Chamber under Rule 11 *bis*, (President), 11 July 2007.

⁴ Warrant for Arrest and Order for Detention, 20 June 2007.

⁵ Arrêt, 8ème Chambre d'instruction, Cour d'appel de Paris, 1^{er} Août 2007 (see page 4 of the English-translated version of the decision)

⁶ *Idem*, page 12.

⁷ Mandat d'arrêt et ordonnance de transfert et de détention, 13 August 2007.

⁸ Press Release, Agence France Presse, 13 September 2007.

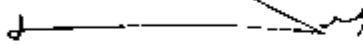
⁹ *Idem*.

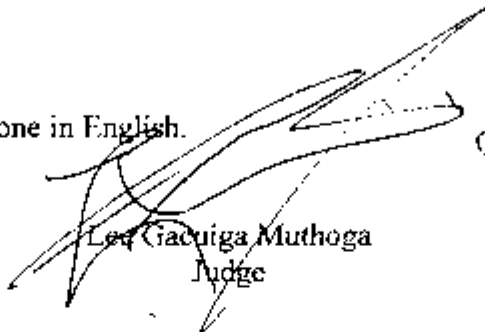
FOR THE FOREGOING REASONS, THE CHAMBER:

- I. **ORDERS** the Prosecutor to advise the Chamber, within 7 days from the date of the present Order, on the present state of the proceedings in the matter.

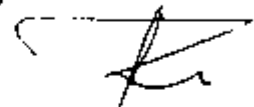
- II. **REQUESTS** the Registrar to notify immediately to the Prosecutor the present Order.

Arusha, 19 September 2007, done in English.


Inés M. Weinberg de Roca
Presiding Judge



Lee Gaciga Muthoga
Judge


Robert Fremr
Judge

[Seal of the Tribunal]

