



UNITED NATIONS  
NATIONS UNIES

ICTR-05-87-1  
19-9-2007  
(760-758)

760  
Htm

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 Gacuiga Muthoga  
Robert Fremr

**Registrar:** Adama Dieng

**Date:** 19 September 2007

JUDICIAL DEPARTMENT ARCHIVES  
2007 SEP 19 12 44:19

**THE PROSECUTOR**

v.

**Wenceslas MUNYESHYAKA**

*Case No. n° ICTR-2005-87-1*

**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 *Wenceslas Munyeshyaka* (the "Accused"), to the Republic of France (the "Referral Motion") on the basis that the Accused was living in that country.<sup>1</sup> Pursuant to Rule 11 bis (A) of the Rules of Procedure and Evidence (the "Rules"), the President of the Tribunal<sup>2</sup> designated this Trial Chamber to decide the Referral Motion<sup>3</sup>.
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 Tribunal<sup>4</sup>. On 20 July 2007, the French Authorities arrested the Accused.<sup>5</sup> On 1 August 2007, a French Court rescinded the effects of the Warrant of Arrest and released *Wenceslas Munyeshyaka*<sup>6</sup>.
3. On 13 August 2007, an Order for arrest, detention and transfer against the Accused was issued by the Tribunal<sup>7</sup>. The French Authorities implemented that Order by arresting the Accused on 5 September 2007<sup>8</sup>. 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 2007<sup>9</sup>.
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.

<sup>1</sup> 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.

<sup>2</sup> The term "Tribunal" refers to the International Criminal Tribunal for Rwanda or ICTR.

<sup>3</sup> Designation of Trial Chamber under Rule 11 bis, (President), 11 July 2007.

<sup>4</sup> Warrant for Arrest and Order for Detention, 20 June 2007.

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

<sup>6</sup> *Idem*, page 12.

<sup>7</sup> Mandat d'arrêt et ordonnance de transfert et de détention, 13 August 2007.

<sup>8</sup> Press Release, Agence France Presse, 13 September 2007.

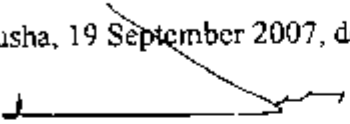
<sup>9</sup> *Idem*.

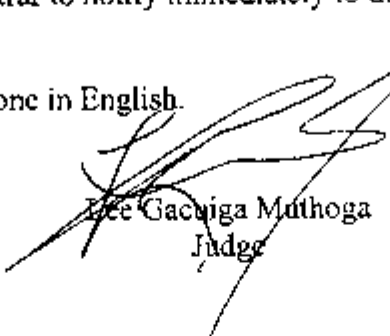
**FOR THE FOREGOING REASONS, THE CHAMBER:**

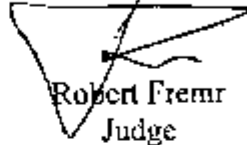
**I. ORDERS** the Prosecutor to advise the Chamber, within 7 days from the date of the present Order, on the present state of the proceedings in the matter.

**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 Gacigira Muthoga  
Judge

  
Robert Fremr  
Judge

[Seal of the Tribunal]

