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UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

OFFICE OF THE PRESIDENT

Before: Judge Dennis C. M. Byron, President of the Tribunal
Registrar: Adama Dieng
Date: 02 October 2007

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THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-2002-78-1

**DESIGNATION OF A TRIAL CHAMBER FOR THE REFERRAL OF THE CASE
OF GASPARD KANYARUKIGA TO RWANDA**

Rule 11 bis of the Rules of Procedure and Evidence

Office of the Prosecutor:
Hassan Bubacar Jallow
Bongani Majola
Silvania Arbia
Richard Karegyosa
Inneke Onsea
Francois Nsanzuwera
Florida Kabasinga
Alex Obote-Odora
George Mugwanya

Defence Counsel:
Ernest Midagu Bahati
Camille Yuma

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1. On 7 September 2007, the Prosecutor filed a motion seeking the referral of the case of Gaspard Kanyarukiga to the authorities of Rwanda, under Rule 11 *bis* of the Rules of Procedure and Evidence ("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 Gaspard Kanyarukiga was confirmed on 4 March 2002, and the Accused is being held at the Tribunal's detention facility in Arusha.
4. In view of the Prosecutor's submission and after considering Rules 19 (A) and 27 (C) which confer on the President the responsibility of coordinating 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 I, comprising Judges Erik Møse, presiding, Sergei Alekseevich Egorov, and Florence Rita Arrey, will determine the matter in accordance with Rule 11 *bis* of the Rules.

Arusha, 02 October 2007, done in English.



Dennis C.M. Byron

President

[Seal of the Tribunal]



¹ Prosecutor's Request for the Referral of the Case of Gaspard Kanyarukiga to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, filed on 7 September 2007.