



1CTR-02-78-1
 22-10-20
 Tribunal Pénal International pour le Rwanda
 International Criminal Tribunal for Rwanda
 (1216 - 1214)

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TRIAL CHAMBER I

Before: Judge Erik Mose, presiding
 Registrar: Mr. Adama Dieng
 Decided on: 19 October 2007

THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-02-78-1

Decision on Defence Motion for Extension of Time to Respond to Prosecution Request to Amend the Indictment

The Prosecution

Mr. Richard Karegyusa
 Ms. Thambiki Monica Sogore

The Defence

Mr. Ernest Mubago Bahati

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Judge Erik Mose, designated by Trial Chamber I in accordance with Rule 73 (A) of the Rules of Procedure and Evidence;

BEING SEIZED OF the "Requête en extrême urgence de la Défense préalable à la requête du Procureur tendant à obtenir la modification de l'acte d'accusation", filed on 8 October 2007;

CONSIDERING the Prosecution response of 11 October 2007;

HEREBY DECIDES the request.

INTRODUCTION

1. The Defence requests translation in French and in Kinyarwanda of the Prosecution request for leave to file an Amended Indictment, filed on 2 October 2007, and that the time-limit to respond should run from the moment of receipt of the translations.¹ The Prosecution indicates that it is content to leave the matter within the discretion of the Chamber.

DELIBERATIONS

2. Under Rule 3 (A) of the Rules, the working languages of the Tribunal are English and French. The Defence team only understands and speaks French. It is undisputed that the Accused understands only Kinyarwanda. The Chamber has held that he is entitled to translation of all documents which are necessary for him to understand in order to have the benefit of a fair trial, to understand the case against him and to defend himself by putting forward his own version of events.²

3. As the Defence is entitled to receive both a French and Kinyarwanda translation of the Prosecution request to amend the Indictment, good cause exists to extend the time-limit for filing of the Defence response. Pursuant to Rule 3 (E), necessary arrangements for interpretation and translation are made by the Registry. The Registry's Language Section completed its French translation on 18 October 2007 and the Kinyarwanda translation on 19 October 2007. The Chamber extends the deadline until Monday 28 October 2007.

¹ The proposed Amended Indictment is annexed to the Prosecution request to amend the Indictment. On 7 September 2007, the Prosecution also filed a request to refer of this case to the Republic of Rwanda, pursuant to Rule 11 *bis* of the Rules.

² *Prosecutor v. Gaspard Kanyarukiga*, Case No. ICTR-2002-78-1, Decision on the Defence Request for Kinyarwanda Translations of all Documents (TC), 8 November 2004, para. 4. See also *Prosecutor v. Muhimana*, Decision on the Defence Motion for the Translation of Prosecution and Procedural Documents into Kinyarwanda, the Language of the Accused, and into French, the Language of his Counsel (TC), 6 November 2001, paras. 19-21 and *Prosecutor v. Rukundo*, Decision on Defence Motion for Translation into French of Prosecution and Procedural Documents in the Rukundo Case (TC), 5 March 2004.

FOR THESE REASONS, THE CHAMBER

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GRANTS the Defence motion;

ORDERS the Defence to file its response to the Prosecution request to amend the Indictment no later than Monday 28 October 2007.

Arusha, 19 October 2007.



Erik Mose
Judge

[Seal of the Tribunal]

