



ICTR-02-78-1
22-10-2007
Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

(1219 - 1217)

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1494

Before: Judge Erik Mose, presiding
Judge Sergei Alekseevich Egorov
Judge Florence Rita Arrey

Registrar: Mr. Adama Dieng

Decision of: 22 October 2007

THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-02-78-1

Selemu

Decision on Defence Request for Extension of Time and Translation

The Prosecution

Mr. Richard Karegyosa
Ms. Thembile Monica Segoete

The Defence

Mr. Ernest Midagu Bahati

6hr

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Mose, Judge Sergei Alekseevich Egorov and Judge Florence Rita Arrey, designated under Rule 11 *bis* (A) of the Rules of Procedure and Evidence;

BEING SEIZED OF the Defence motion requesting an extension of time to file its response to the Prosecution "Request for the Referral of the case of Gaspard Kanyarukiga to Rwanda, etc", filed on 12 September 2007; requesting a Kinyarwanda translation of the Prosecution request, filed on 13 September 2007; and a further request for an extension of time, filed on 24 September 2007.¹

NOTING the Prosecution Responses of 14 September 2007 and 11 October, respectively;

HEREBY DECIDES the requests.

INTRODUCTION

1. The Defence requests an urgent translation in Kinyarwanda and French of the Prosecution request for the referral of the Kanyarukiga case to Rwanda pursuant to Rule 11 *bis* of the Rules, filed on 7 October 2007. It also asks that the time-limit to respond to the Prosecution request should run from the moment of receipt of the Kinyarwanda and French translations.

2. The Prosecution responds that it is content to leave the matter within the discretion of the Chamber. In view of the vagueness with respect to the time-limits for submissions under Rule 11 *bis*, the Prosecution invites the Chamber to indicate the deadlines for the Defence and the Prosecution response and reply, respectively.

DELIBERATIONS

3. Under Rule 3 (A) of the Rules, the working languages of the Tribunal are English and French. The Defence team only understands French. Pursuant to Rule 3 (E), necessary arrangements for interpretation and translation are made by the Registry. Following contacts between the Chamber and the Registry, the Language Section completed the French translation of the Prosecution Rule 11 *bis* request on 18 October 2007.

4. It is undisputed that the Accused understands only Kinyarwanda. The Chamber has held that he is entitled to translation only of evidentiary material and 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. Excluded from mandatory translation are, *inter alia*, motions, briefs and other pleadings. The Chamber has indicated that "[s]uch documents can only be translated to the extent the Registry's translation services have the capacity to do so".² The Language Section has since advised the Chamber that it was able to provide a Kinyarwanda translation of the Prosecution Rule 11 *bis* request. This translation was completed on 19 October 2007.

¹ "Requete de la Defence de Gaspard Kanyarukiga en prorogation du delai de reponse a la requete du Procureur tendant a demander le transfert du detenu au Rwanda en reference a l'Article 11 bis du Reglement," filed on 13 September 2007; "Requete en urgence de Gaspard Kanyarukiga aux fins d'obtenir en version kinyarwanda la requete du Procureur relative a son transfert," filed on 13 September 2007, and "La requete de la Defence de Kanyarukiga en complement de celle relative a la prorogation du delai du reponse a la requete en transfert du detenu", filed on 24 September 2007.

² Prosecutor v. Gaspard Kanyarukiga, Case No. ICTR-02-78-I, with further references.

5. The Defence has asked for one month's extension following the receipt of translation. In the circumstances, the Chamber finds this reasonable and grants the request.

FOR THESE REASONS, THE CHAMBER

GRANTS the Defence requests;

ORDERS the Defence to file its response to the Prosecution Rule 11 *bis* request no later than Monday 19 November 2007 and the Prosecution to file its reply by Monday 3 December 2007, respectively.

Arusha, 22 October 2007.



Erik Mose
Presiding Judge



Sergei Alekseevich Egorov
Judge



Florence Rita Arrey
Judge

[Seal of the Tribunal]

