

ICTR-05-85-I
13-03-2008
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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

TRIAL CHAMBER III

Case No. ICTR-2005-85-I

ENGLISH
Original: FRENCH

Before: Judge Inés Mónica Weinberg de Roca, presiding
Judge Lee Gacuiga Muthoga
Judge Robert Fremr

Registrar: Adama Dieng

Date: 14 November 2007

THE PROSECUTOR

v.

LAURENT BUCYIBARUTA

JUDICIAL RECORDS/ARCHIVES
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2008 MAR 13 P 3 43
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DECISION ON THE DEFENCE MOTION FOR EXTENSION OF TIME

Office of the Prosecutor:
Hassan Bubacar Jallow
Bongani Majola
James Stewart
Alex Obote
William Egbe
George Mugwanya

Counsel for the Defence:
Philippe Greciano

INTRODUCTION

1. Judge Jai Ram Reddy confirmed the Indictment against Laurent Bucyibaruta on 17 June 2005.¹ The Prosecutor charges Laurent Bucyibaruta with perpetrating the following crimes in Rwanda in 1994: direct and public incitement to commit genocide (Count 1), genocide (Count 2) or alternatively, complicity in genocide (Count 3), extermination as a crime against humanity (Count 4), murder as a crime against humanity (Count 5) and rape as a crime against humanity (Count 6).

2. On 12 June 2007, the Prosecutor of the Tribunal filed a Request for the Referral of Laurent Bucyibaruta's Indictment to France, pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence (the "Rules").² The Prosecutor amended the request on 27 June 2007.³

3. Pursuant to Rule 11 *bis* (A) of the Rules, the President of the Tribunal designated this Trial Chamber to rule on the request.⁴

4. By an Order of 10 October 2007, the Chamber urged the Prosecutor, the Accused and France to provide additional information on some specific issues.⁵ On 24 October 2007, France replied and provided the information sought by the said Order.⁶ The Prosecution filed its responsive submissions, pursuant to the Order, on 7 November 2007.⁷

5. On 10 November 2007, the Defence Counsel filed a Motion for Extension of time⁸, in which he argued that, although he was assigned by the Registry of the Tribunal on 1 November 2007, the relevant documents were only disclosed to him on 9 November 2007. Invoking the time limit within which the relevant documents were disclosed as well as concern for the proper administration of justice, he requested the Chamber to be allowed up to 27 November 2007 to file a response to the 10 October 2007 Order.

DISCUSSION

6. The Chamber recalls that its Order of 10 October 2007 was motivated by its desire to obtain additional information, pursuant to Rule 11 *bis* (C) of the Rules, in order to rule on the Prosecutor's Request under to Rule 11 *bis* of the same Rules.⁹

¹ Confirmation of Indictment and Other Related Orders, 17 June 2005.

² Prosecutor's Request for the Referral of Laurent Bucyibaruta's Indictment to France pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, 12 June 2007.

³ Corrigendum to the Prosecutor's Rule 11 *bis* Request, 27 June 2007.

⁴ Designation of a Trial Chamber for the Referral of the Case to a State, 11 July 2007.

⁵ Order to provide additional information on the Prosecutor's Request for the referral of the Indictment to the Republic of France, 10 October 2007 ("Order of 10 October 2007").

⁶ Replies to the information requested by the ICTR in its Orders issued on 10 October 2007 in the cases of W. Munyeshyaka and L. Bucyibaruta, 24 October 2007.

⁷ Prosecutor's Responsive Submissions Pursuant to Trial Chamber's "Order to Provide Additional Information on the Prosecutor's Request for the Referral of the Indictment to the Authorities of the Republic of France", 7 November 2007.

⁸ Defence Motion for Extension of Time, 10 November 2007 (filed with the Registry on 12 November 2007).

⁹ Order to provide additional information on the Prosecutor's Request for the referral of the Indictment to the authorities of the Republic of France, 10 October 2007, para. 6.

7. The Chamber notes that Defence Counsel was assigned by the Registry of the Tribunal on 1 November 2007, and only received the documents on the Order of 10 October 2007 on 9 November 2007. The Chamber is therefore of the view that it is in the interest of justice for the Defence Counsel to be allowed to provide the information on the issues raised in the Order of 10 October 2007. However, the Chamber is also of the view that those issues deal mainly with French law and the 15 days requested by the Defence Counsel with effect from 12 November 2007, whereas he had received the relevant documents on 9 November 2007, was not warranted.

FOR THE FOREGOING REASONS, THE CHAMBER

GRANTS IN PART the Defence Motion; and

ALLOWS the Defence for Laurent Bucyibaruta to provide the information on the issues raised in the 10 October 2007 Order no later than 19 November 2007.

Done in French at Arusha on 14 November 2007.

On behalf and with the consent of

On behalf and with the consent of

Judge Inés M. Weinberg de Roca
Presiding

Judge Lee Gacuiga Muthoga

Judge Robert Fremr

(Absent at the time of signing)

(Absent at the time of signing)

[Seal of the Tribunal]

