



UNITED NATIONS
NATIONS UNIES

**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

OR: ENG

TRIAL CHAMBER DESIGNATED PURSUANT TO RULE 11 *BIS*

Before Judges: Khalida Rachid Khan, presiding
Asoka de Silva
Emile Francis Short

Registrar: Mr. Adama Dieng

Date: 12 May 2008

THE PROSECUTOR

v.

ILDEPHONSE HATEGEKIMANA

Case No. ICTR-00-55B-R11*bis*

**DECISION ON THE KIGALI BAR ASSOCIATION'S REQUEST FOR
EXTENSION OF TIME**

Office of the Prosecutor:

Hassan Bubacar Jallow
Bongani Majola
Silvania Arbia
Alex Obote-Adora
Richard Karegyesa
George Munwangya
Inneke Onsea
Francois Nsanzuwera
Florida Kabasinga

Defence Counsel:

Roberto Ahlonko Dovi
Atu-Quam Claude Dovi-Avouyi

INTRODUCTION

1. The Prosecution has requested that Mr. Hategekimana's case, currently in the pre-Trial phase before the Tribunal,¹ be referred to the authorities of Rwanda for adjudication before the appropriate Rwandan court pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence.² In accordance with Rule 11 *bis* (A),³ the President designated a Trial Chamber to decide the Referral Request, comprising Judges Khalida Rachid Khan, presiding, Asoka de Silva, and Emile Francis Short.⁴
2. On 20 March 2008, the Chamber issued a Decision granting, *inter alia*, the request of the Kigali Bar Association to file submissions as *amicus curiae* pursuant to Rule 74. The Chamber further ordered that all Rule 74 submissions be filed within 14 days.⁵
3. On 30 April 2008, the Chamber ruled that the proposed submissions of the Kigali Bar Association were time barred.⁶ By letter filed 1 May 2008, the Kigali Bar Association requests that the Chamber grant it extra time to file its *amicus curiae* submissions.⁷

DISCUSSION

4. In the 30 April 2008 Decision, the Chamber noted that:

[T]he Kigali Bar Association neither filed its submissions pursuant to Rule 74, nor requested an extension of time within which to do so within the time allotted by the Chamber in its 20 March 2008 Decision. The Chamber's inquiries with the Court Management Section ("CMS") of the Registry reveal that the 20 March 2008 Decision was circulated via e-mail to a designated representative of the Kigali Bar Association, and the Republic of Rwanda was also asked to notify the Kigali Bar Association of the 20 March 2008 Decision via *Note Verbale* distributed on 2 April 2008. The Chamber therefore rules that the proposed submissions of the Kigali Bar Association are time-barred.⁸

¹ On 9 November 2007, Mr. Hategekimana made a further appearance following the filing of an Amended Indictment on 1 October 2007.

² Prosecutor's Request for the Referral of the Case of Idelphonse Hategekimana to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, filed 7 September 2007 ("Referral Request").

³ Unless specified otherwise, all Rules referred to in this Decision are from the Rules of Procedure and Evidence.

⁴ Designation of a Trial Chamber for the Referral of the Case of Idelphonse Hategekimana to Rwanda (President), 2 October 2007.

⁵ Decision on *Amicus* Requests and Pending Defence Motions and Order for Further Submissions (TC), 20 March 2008, paras. 19, 31 ("20 March 2008 Decision").

⁶ Decision on Defence Request for Reconsideration and Prosecution Request for Extension of Time and Order Regarding the *Amicus Curiae* Submissions of the ICDA and the Kigali Bar Association (TC), 30 April 2008, para. 7 ("30 April 2008 Decision").

⁷ Request to be granted extra time for the *Amicus curiae* Brief submission, filed 1 May 2008 ("Request of the Kigali Bar Association").

⁸ 30 April 2008 Decision, para. 7.

5. The Kigali Bar Association claims, without support, that it did not receive a *Note Verbale* transmitting the 20 March 2008 Decision until 22 April 2008. The Registry's detailed response to the Chamber's inquiries described in the quoted paragraph above is to the contrary, and is supported by an e-mail transmitting the 20 March 2008 Decision to the Kigali Bar Association on the date of the Decision, as well as an e-mail confirming the request to distribute the *Note Verbale* on 2 April 2008. The Chamber does not consider that the unsupported assertion of the Kigali Bar Association calls into question the contrary details provided by the Registry. Therefore, the Chamber's 30 April 2008 Decision that the proposed submissions of the Kigali Bar Association are time-barred stands.

FOR THESE REASONS, the Chamber

DENIES the Request of the Kigali Bar Association.

Arusha, 12 May 2008

Khalida Rachid Khan
Presiding Judge

With the consent and on
behalf of
Asoka de Silva
Judge
(Absent during signature)
[Seal of the Tribunal]

Emile Francis Short
Judge