



ORGANISATION
NATIONS UNIES

ICTR-02-78-1
20-06-2008
(1505-1503)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

1505
1503

Trial Chamber I

Before: Erik Møse, presiding
Jai Ram Reddy
Sergei Aleksceovich Egorov
Registrar: Adama Dieng
Date: 20 June 2008

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THE PROSECUTOR

v.

Gaspard KANYARUKIGA

Case No. ICTR-2002-78-1

Decision on Defence Request for Translation

The Prosecution
Richard Karegyesa
Georges Mugwanya
Inneke Onsea
François Nsanzuwera
Florida Kabasinga

The Defence
Ernest Midagu Bahati
Camille Yuma

blw

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Jai Ram Reddy, and Sergei Alekseevich Egorov;

BEING SEIZED OF the Defence motion requesting French and Kinyarwanda translations of the *Seromba* Appeals Chamber judgment, filed on 27 March 2008;

HEREBY DECIDES the motion.

INTRODUCTION

1. The Defence requests the Chamber to instruct the Registry to transmit to the Defence and Gaspard Kanyarukiga the French and Kinyarwanda translations of the Appeals Chamber's judgment in the *Seromba* case, which was rendered in English.¹ The Prosecution has not filed any response.

DELIBERATIONS

2. Under Rule 3 (A) of the Rules of Procedure and Evidence, the working languages of the Tribunal are English and French. Pursuant to Rule 3 (E), the Registrar shall make necessary arrangements for interpretation and translation of the working languages. Therefore, issues of translation should first be raised with the Registry. The Chamber should only be seized if a solution has not been found. The Registry has informed the Chamber that the French translation of the *Seromba* Appeal Chamber judgment will be completed by the end of June 2008. Under these circumstances, there is no need for the Chamber to order the Registry to provide a French translation.

3. Rule 3 (B) provides that an accused has the right to use his own language. It is undisputed that Kanyarukiga understands only Kinyarwanda. The Chamber has held that he is entitled to translation of 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 The following documents should be translated into Kinyarwanda: all evidentiary material which relates to the determination of the charges against Kanyarukiga, including prior witness statements disclosed by the Prosecution under Rule 66 (A) (ii), and decisions and orders of the Chambers.³

¹ "Requête tendant à obtenir les versions française et kinyarwanda de la décision au second degré de l'affaire *Seromba*" etc., filed on 27 March 2008; *Prosecutor v. Seromba*, Judgment (AC), 12 March 2008.

² *Kanyarukiga*, Decision on Defence Request for Extension of Time and Translation (TC), 22 October 2007, paras. 3-4; Decision on the Defence Request for Kinyarwanda Translations of all Documents (TC), 8 November 2004, paras. 3-4; *Rukundo*, Decision on Defence Motion for Translation into French of Prosecution and Procedural Documents in the *Rukundo* Case (TC), 5 March 2004; *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.

³ *Kanyarukiga*, Decision on the Defence Request for Kinyarwanda Translations of All Documents (TC), 8 November 2004, para. 4. It follows from the decision that motions, briefs and other pleadings can only be translated to the extent the Registry's translation services have capacity to do so.

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4. The Defence has not explained why the *Seromba* Appeals Chamber judgment has to be translated into Kinyarwanda. The motion only refers to the Defence request in October 2004 to join Kanyarukiga's case with the trial of Seromba.⁴ That request was denied. Once the Defence has analysed the Appeals Chamber's judgment, it will have to indicate to the Registry why a translation will be useful to Kanyarukiga. At the present stage, the Chamber has no basis for ordering the Registry to translate the judgment into Kinyarwanda.⁵

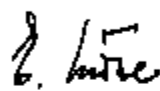
FOR THESE REASONS, THE CHAMBER

DENIES the motion.

Arusha, 20 June 2008.



Erik Møse
Presiding Judge



Jai Ram Reddy
A.A. Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]



⁴ Extremely urgent pre-trial motion of the accused, Gaspard Kanyarukiga, requesting *inter alia* the consolidation of his trial with that of Father Athanase Seromba, filed on 14 October 2004.

⁵ The Prosecution has requested that Kanyarukiga's case be transferred to Rwanda under Rule 11 *bis* of the Rules. The request was denied, see Decision on Prosecutor's Request for Referral to the Republic of Rwanda (TC), 6 June 2008. This decision may be appealed, and no date has been set for a trial at the ICTR.