

ICTR-05-88-T
07-07-2008
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UNITED NATIONS
TRIBUNAL PENAL

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

OR: ENG

TRIAL CHAMBER III

Before Judges: Vagn Joensen
*sitting in accordance with Rule 54 of the
Rules of Procedure and Evidence*

Registrar: Adama Dieng

Date: 07 July 2008

THE PROSECUTOR

v.

Callixte KALIMANZIRA

Case No. ICTR-05-88-T

2008 JUL - 7 10 P 2:31
APR 2008 07/07/2008
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INTERIM ORDER

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor

Christine Graham
Veronic Wright
Ousman Janteh
Stephen Agaba
Kartik Murukutla

Defence Counsel

Arthur Vercken
Anta Guisse

1. On 19 June 2008, the Prosecution filed a motion pursuant to Rule 89(C) of the Rules of Procedure and Evidence to have the Trial Chamber admit as evidence 45 documents and their various translations, all of which are attached to the Motion.¹ By oral motion on 25 June 2008, the Defence for Kalimanzira requested the Trial Chamber to grant an extension of time to respond to the Motion, which the Chamber granted until 30 June 2008.²

2. On 3 July 2008, the Court Management Section ("CMS") of the Registry distributed the Defence Response to the Motion.³ The document is not signed by any of the Defence Counsel, and its date-stamp indicates that it had been duly filed on 30 June 2008 at 12h23.

3. Immediately upon electronic receipt of the Defence Response, the Prosecution objected to the CMS filing. The Chamber has received copies of the e-mail correspondence that ensued between the Prosecution and CMS. It appears that the document stamped as filed on 30 June 2008 was actually received by CMS in electronic version on 02 July 2008.

4. Articles 25 through 31 of the Directive for the Registry⁴ provide the standards by which a document is deemed to have been duly filed and received by the Registry.


5. Before the Chamber can decide whether to admit Defence Response to the Prosecution Motion, the Chamber must decide whether the Defence Response has been duly filed before the expiry of the time-limit set by the Chamber.

FOR THESE REASONS, THE CHAMBER

ORDERS the Defence for Kalimanzira to show cause and proof that it submitted its Response to the Prosecution Motion in due form on 30 June 2008, no later than 08 July 2008;

INVITES the Prosecution to respond no later than two days after the Defence makes its submission pursuant to this Order.

Arusha, 07 July 2008, done in English.


Vagn Joensen
Judge

[Seal of the Tribunal]



¹ Prosecutor's Motion for Admission of Certain Materials under Rule 89(C) of the Rules of Procedure and Evidence, filed 19 June 2008.

² Sec. 1, 25 June 2008, p. 50.

³ *Réponse à la requête du Procureur en date du 19 juin 2008 et intitulée « Prosecutor's Motion for Admission of Certain Materials under Rule 89(C) of the Rules of Procedure and Evidence »*, filing date in dispute.

⁴ Directive for the Registry of the International Criminal Tribunal for Rwanda, 14 March 2008.