



UNITED NATIONS
NATIONS UNIES

ICTR-05-82-PT
5-3-2009
(699 - 697)

699
2/11/09

OR: ENG

TRIAL CHAMBER III

Before Judges: Khalida Rachid Khan, presiding
Lee Gacuiga Muthoga
Aydin Sefa Akay

Registrar: Mr. Adama Dieng

Date: 5 March 2009

THE PROSECUTOR
v.
DOMINIQUE NTAWUKULILYAYO

Case No. ICTR-05-82-PT

JUDICIAL RECORDS ARCHIVE
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ORDER FOR THE REGISTRAR'S SUBMISSIONS

Rules 33 (B) and 54 of Rules of Procedure and Evidence

Office of the Prosecutor:

Charles Adeogun-Phillips
Ibukunolu Alao Babajide
Veronic Wright
Thembile Segoete

Counsel for the Defence:

Francois Roux
Dorothee Le Fraper du Hellen

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“Tribunal”),

SITTING as Trial Chamber III, composed of Judges Khalida Rachid Khan, presiding, and Judges Lee Gacuiga Muthoga and Aydin Sefa Akay, pursuant to Rule 54 of the Rules of Procedure and Evidence (“Rules”);

CONSIDERING the “*Requete en Urgence de la Defense aux Fins de Suspension des Delais de la Procedure Jusqu’a Traduction des Documents de L’Accusation et des Actes de Procédure en Français, Langue de l’Accuse et de son Conseil*” filed on 25 February 2009, in which the Defence requests the Chamber to order that: (i) any documents disclosed to the Defence immediately be translated into French; and (ii) the time limit for responding to Prosecution motions begin to run from when the French translations of the motions are transmitted by the Registry (“Defence Motion”);

NOTING that the Prosecution in the present case has been filing motions in English;

RECALLING Article 31 of the Statute of the Tribunal and Rule 3 (A) of the Rules which provide that the working languages of the Tribunal shall be English and French;

RECALLING FURTHER that Rule 45 (A) of the Rules provides that the Registrar shall keep a “list of counsel who speak one or both of the working languages of the Tribunal ...” for the assignment of counsel to indigent suspects or accused;

NOTING the Tribunal’s practice of assigning defence teams composed of bilingual counsel or legal assistants in order to limit delays in proceedings resulting from the lack of access to translations;¹

NOTING FURTHER that the trial in this case is scheduled to commence on 30 March 2009;

CONSIDERING it necessary, therefore, to receive submissions from the Registrar pursuant to Rule 33 (B), in order to assist the Chamber in deciding on the Defence Motion in a way that ensures that the trial proceeds expeditiously in accordance with Articles 19 and 20 (4) (c), while respecting the rights of the Accused under Article 20 of the Statute;

¹ See, for instance, *The Prosecutor v. Aloys Simba*, Case No. ICTR-01-76-I, Decision on Defence Request for Protection of Witnesses (TC), 25 August 2004, p. 3, para. 1; *The Prosecutor v. Karemera et. al.*, Case No. ICTR-98-44-T, Decision on Extension of Time to Respond to the Prosecutor’s Two Motions (TC), 27 September 2006, para. 4. See also, The Guidelines for Remuneration of Counsel Appearing at the ICTR, promulgated by the Registrar on 1 September 1998 which emphasize that the ‘preference for a Co-Counsel should reflect the need to form a team with ... knowledge of the working languages of the Tribunal.’”



HEREBY ORDERS the Registrar, pursuant to Rules 33 (B) and 54, to provide the Chamber with written submissions on (i) the composition of the Defence team for Mr. Dominique Ntawukulilyayo; and (ii) the level of proficiency in the English language of each team member, no later than 3 p.m. on 6 March 2009.

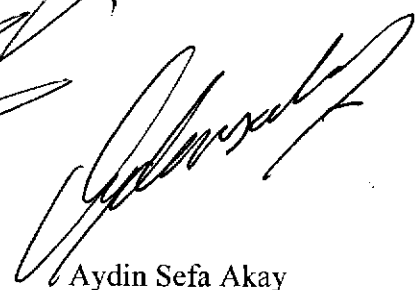
Arusha, 5 March 2009



Khalida Rachid Khan
Presiding Judge



Lee Gacuiga Muthoga
Judge



Aydin Sefa Akay
Judge

[Seal of the Tribunal]

