

ICTR-00-55B-T  
2-4-2009  
(1477-1475)

1477  
Dieng

TRIAL CHAMBER III

**Before Judges:** Arlette Ramarson, presiding  
Taghrid Hikmet  
Joseph Masanche

**Registrar:** Adama Dieng

**Date:** 2 April 2009

**THE PROSECUTOR**

v.

**ILDEPHONSE HATEGEKIMANA**

**Case No. ICTR-00-55B-T**

2009 APR - 2 1 P 4: 23  
A. Dieng 02/04/2009  
JUDICIAL RECORDS ARCHIVE  
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**DECISION ON THE DEFENCE REQUEST FOR TRANSLATION OF  
PROSECUTION MOTIONS AND FOR EXTENSION OF THE TIME LIMIT TO  
FILE RESPONSES**

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**Office of the Prosecutor:**  
William Egbe  
Peter Tafah  
Sulaiman Khan  
Adama Niane  
Guilain Disengi Mugeyo  
Amina Ibrahim

**Defence Counsel:**  
A.R. Dovi  
Ata-Quam-Dovi-Avouyi

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## INTRODUCTION

1. The trial in this matter commenced on 16 March 2009. On 17 March 2009, the Prosecution filed a Motion requesting the deposition of Witness QX.<sup>1</sup> On the same day, the Prosecution filed a Motion for leave to vary the witness list and to have Prosecution Witness BRW testify via video-link.<sup>2</sup> On 19 March 2009, the Prosecution filed a Confidential Motion for Witnesses BYO and BYS to give testimony via video-link<sup>3</sup> and another Motion for judicial notice.<sup>4</sup>
2. On 24 March 2009, the Defence filed a Motion requesting translations for the afore-mentioned Motions and for extension of the deadlines to respond to these Motions.
3. On 30 March 2009, the Prosecution made an oral application to withdraw the Motion of 17 March 2009 for the deposition of Witness QX and requested instead a video-link testimony of Witness QX. On the same day, the Defence presented an oral response to this Motion.

## DISCUSSION

4. According to Rule 73(E), a responding party “shall ... file any reply within five days from the date on which Counsel received the Motion.” The Chamber notes that the Prosecution Motion for the deposition of Witness QX was filed on 17 March 2009, and that the deadline for the Defence to either respond to the Motion or to request an extension of time elapsed on 22 March 2009. Therefore, the Defence Motion, dated 24 March 2009, for translation of this Motion, and for a corresponding extension of time, was filed out of time. Furthermore, since the Prosecution has withdrawn its Motion for the deposition of Witness XQ, the Defence request for translation of that Motion and for extension of time to file a response is moot.
5. Concerning the translation of the other above-mentioned Prosecution Motions, the Chamber notes, after having consulted with the Defence Counsel and Detention Management Section (“DCDMS”) of the Registry, that, except for lead counsel, all members of the Defence team read and understand English.<sup>5</sup> The Chamber also observes that it is the policy of the Tribunal, in order to avoid unnecessary delays in the proceedings, to authorize translations only of complex documents and limited exhibits.<sup>6</sup> The Chamber finds that the Prosecution Motions in question do not fall within this category.

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<sup>1</sup> The Prosecutor’s Motion for the Deposition of Witness QX (Pursuant to Rule 71), filed on 17 March 2009 (The “Motion”).

<sup>2</sup> Prosecutor’s Motion for Leave to Vary the Witness List and to have Prosecution Witness BRW testify by Closed-Video Link Pursuant to Rule 54, 73, 73 bis (E) and 71 (D), 75, 90, of the Rules of Procedure and Evidence, filed on 17 March 2009.

<sup>3</sup> Prosecutor’s Urgent and Confidential Motion for Witnesses BYO, BYS, to give Testimony via Video Link from Kigali Rwanda (made under Rules, (sic.) 71, 73, 75, 90, 54, of the Rules of Procedure and Evidence).

<sup>4</sup> Prosecutor’s Motion for Judicial Notice Pursuant to Rules 73, 89 and 94, filed on 19 March 2009.

<sup>5</sup> The Chamber further notes that this fact, as formally represented on their respective applications submitted to DCDMS, was one of the factors considered by the Registry in employing these members of the *Hategekimana* team.

<sup>6</sup> See, for example, Decision on Motion for Translation and Extension of Time (AC), 23 July 2008.

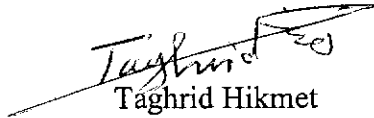
**FOR THE ABOVE REASONS, THE CHAMBER**

- I. **DENIES** the Defence Motion;
- II. In the interests of justice **EXTENDS** the deadline to respond to the aforementioned Prosecution Motions until 10.00 a.m., 6 April 2009.

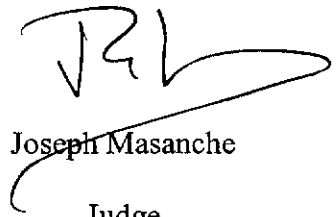
2 April 2009



Arlette Ramaroson  
Presiding Judge



Taghrid Hikmet  
Judge



Joseph Masanche  
Judge

[Seal of the Tribunal]

