



UNITED NATIONS
NATIONS UNIES

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

OR: ENG

TRIAL CHAMBER III

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

Registrar: Mr. Adama Dieng

Date: 6 May 2009

THE PROSECUTOR
v.
DOMINIQUE NTAWUKULILYAYO

Case No. ICTR-05-82-T

ORAL ORDER WARNING PROSECUTION

Rule 46 (A) of the Rules of Procedure and Evidence

Office of the Prosecutor:

Charles Adeogun-Phillips
Ibukunolu Alao Babajide
Thembile Segoete
Ndeye Marie Ka

Counsel for the Defence:

Maroufa Diabira
Dorothee Le Fraper du Hellen

Extract from Transcript of 6 May 2009, pp. 1-2

MADAM PRESIDENT:

We are a bit late today because we learnt of the difficulty which the Defence is facing by filing the third amended indictment last night.

This is the third time that the proceedings have been delayed due to the Prosecution's lack of diligence. On 24th April 2009, Chamber decision ordering Prosecution to file amended indictment by Friday, 1st May. 1st May, Friday, Prosecution files an amended indictment.

Monday, 4th May, Chamber orders Prosecution to file other amended indictment to reconcile inconsistencies.

MR. DIABIRA:

Madam President, the French booth would like to have a copy of your text, if you do have one.

MADAM PRESIDENT:

It is not written. Oral order. It's just oral order. I have just noted down the points. It is not the text of the order.

Okay, let me continue. On Friday, 1st May, Prosecution files amended indictment. 4th May, Monday, Chamber orders Prosecution to file another amended indictment to reconcile inconsistencies in compliance with the Chamber's order of 28th April 19 -- 2009.

Tuesday, 5th May, Prosecution filed a third amended indictment due to further mistakes regarding GCE (*sic*) pleading. Since Chamber's order of 28th April 2009, Prosecution filed three amended indictment demonstrating a serial carelessness on the part of the Prosecutor.

The Chamber warns the Prosecution pursuant to Rule 46(A), the Prosecution's conduct is obstructive to the proceedings. Such further conduct may result in sanction.