



UNITED NATIONS
NATIONS UNIES

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

ICTR-00-55A-AR98bis

13-11-2009

(107/A - 106/A)

107/A
R

OR: ENG

TRIAL CHAMBER III

Before Judges: Judge Dennis C. M. Byron, Presiding
Judge Gberdao Gustave Kam
Judge Vagn Joensen

Registrar: Mr. Adama Dieng

Date: 13 November 2009

THE PROSECUTOR

v.

Tharcisse MUVUNYI

Case No. ICTR-00-55A-T

2009 NOV 13 11:39
JUDICIAL RECORDS/ARCHIVES
RECEIVED

ORDER FOR SUPPLEMENTAL SUBMISSIONS

Rule 54 of the Rules of Procedure and Evidence

Office of the Prosecutor:

Charles Adeogun-Phillips
Ibukunolu Alao Babajide

Counsel for the Accused:

William E. Taylor III
Abbe Jolles

107/A

106/A

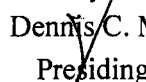
INTRODUCTION

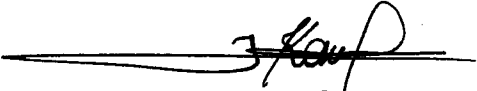
1. On 18 August 2009, the Chamber denied Tharcisse Muvunyi's motion for judgement of acquittal pursuant to Rule 98 *bis* of the Rules of Procedure and Evidence ("Rules"). The Chamber found that the Indictment was defective with respect to the date of the alleged culpable conduct, but that this defect had been cured by the Prosecution through the provision of adequate notice.¹ The Chamber granted Muvunyi's request for certification to appeal the Rule 98 *bis* Decision on 2 September 2009.²
2. On 11 November 2009, the Appeals Chamber granted Tharcisse Muvunyi's appeal in part, stated that the Indictment was not defective, and remanded the matter to the Chamber for further consideration in accordance with the provisions of Rule 98 *bis* and in light of its decision.³
3. Accordingly, the Chamber considers that it is in the interests of justice to require the parties to file supplemental submissions on Tharcisse Muvunyi's motion for judgement of acquittal. In particular, the Chamber would like the parties to address the materiality of the discrepancy in the timeframe alleged in the Indictment and the evidence adduced by the Prosecution.

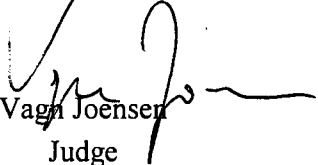
FOR THESE REASONS, THE CHAMBER:

ORDERS the parties to file supplemental submissions on Tharcisse Muvunyi's motion for judgement of acquittal no later than 20 November 2009.

Arusha, 13 November 2009, done in English.


Dennis C. M. Byron
Presiding Judge


Gberdao Gustave Kam
Judge


Vagn Joensen
Judge



¹ *The Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-2000-55A-T ("*Muvunyi*"), Decision on Motion for Judgement of Acquittal, 18 August 2009 ("Rule 98 *bis* Decision").

² *Muvunyi*, Decision on Motion for Certification to Appeal: Decision Denying Motion for Judgement of Acquittal, 2 September 2009.

³ *The Prosecutor v. Tharcisse Muvunyi*, Case No. ICTR-2000-55A-AR98bis ("*Muvunyi Interlocutory Appeal*"), Decision on Appeal of Decision Denying the Motion for Judgement of Acquittal (AC), 11 November 2009 ("*Remand Decision*"); *Muvunyi Interlocutory Appeal*, Corrigendum to Decision on Appeal of Decision Denying the Motion for Judgement of Acquittal (AC), 12 November 2009.