

ICTR-01-75-0057

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01-02-2011
(2262 - 2259)

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International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

UNITED
NATIONS
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UNIES

OR: ENG

TRIAL CHAMBER II

Before Judges: Florence Rita Arrey, Presiding
Emile Francis Short
Robert Fremr

Registrar: Adama Dieng

Date: 1 February 2011

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ORIGINAL RECEIVED

THE PROSECUTOR

v.

JEAN-BOSCO UWINKINDI

Case No. ICTR-2001-75-R11bis

DECISION ON GOVERNMENT OF RWANDA'S REQUEST FOR EXTENSION
OF TIME TO FILE AMICUS CURIAE BRIEF PURSUANT TO CHAMBER'S
INVITATION

Office of the Prosecutor:
Hassan Bubacar Jallow
Bongani Majola
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James Arguin
George Mugwanya
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Counsel for the Defence
Claver Sindyigaya
Iain Edwards
Bettina Spilker

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1. On 30 June 2010, the Accused Jean-Bosco Uwinkindi was arrested in Uganda. He was transferred to the United Nations Detention Facility (“UNDF”) in Arusha, Tanzania on 2 July 2010.¹
2. On 04 November 2010, the Prosecution, pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence (“Rules”), filed a Motion requesting that the case of the *Prosecutor v. Jean Uwinkindi* be referred to the authorities of the Republic of Rwanda for trial in the High Court of Rwanda (“11 *bis* Motion”).²
3. On 26 November 2010, the President designated Trial Chamber II, as composed of Judge Florence Rita Arrey (presiding), Judge Emile Francis Short and Judge Robert Fremr, to decide the Prosecution’s 11 *bis* Motion.³
4. On 18 January 2011, the Trial Chamber invited the Government of Rwanda to appear as *amicus curiae* in the present case.⁴
5. On 28 January 2011, the Prosecutor General on behalf of the Republic of Rwanda filed a Motion asking for an extension of time to file its *amicus curiae* brief, stating that they have been working on compiling the relevant information in response to the issues specified by this Chamber in its invitation dated 18 January 2011.⁵
6. The Government of Rwanda submits that the information required by the Chamber is maintained by different government agencies and departments thus requiring time for the coordination in the assembly and compilation thereof into a unified response.⁶

¹*Prosecutor v. Jean-Bosco Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, T. 1 December 2010 p.1. Uwinkindi made a further appearance following the filing of an Amended Indictment on 23 November 2010.

²*Prosecutor v. Jean-Bosco Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, Prosecutor’s request for the referral of the case of Jean-Bosco Uwinkindi to Rwanda pursuant to Rule 11*bis* of the Tribunal’s Rules of Procedure and Evidence, 4 November 2010.

³ Notice of Designation - *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, 26 November 2010.

⁴ *Prosecutor v. Jean-Bosco Uwinkindi*, Case No. ICTR-2001-75-I, Invitation to the Government of Rwanda to make submissions as *Amicus Curiae* on the Prosecution’s 11 *bis* Motion pursuant to Rule 74 of the ICTR Rules of Procedure and Evidence, 18 January 2011.

⁵ *Prosecutor v. Jean-Bosco Uwinkindi*, Case No. ICTR-2001-75-I, The Government of Rwanda’s ‘Request for Extension of Time to File *Amicus Curiae* Brief Pursuant to the Chamber’s Invitation’, 28 January 2011 (“Request”), para.2.

⁶ Request. para. 3

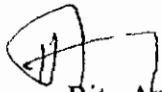
7. The Chamber notes that the Government of Rwanda requests an extension time of ten days (up to 18 February 2011) to file its brief.⁷ This is comparable to the request filed by the Human Rights Watch for extension of time which the Chamber had granted on 28 January 2011.⁸

8. The Chamber finds that the granting of an extension of time shall not interfere with the expeditious conduct of the proceedings in this case but shall rather, give the Government of Rwanda sufficient time to complete its compilation of the relevant information sought by the Chamber. It further considers that granting this time extension of ten days will serve the interests of justice in the instant case.

FOR THESE REASONS, THE REFERRAL BENCH

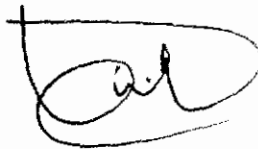
GRANTS the Request for Extension of Time.

Arusha, 1 February 2011, done in English.

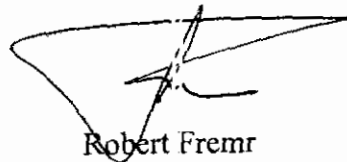


Florence Ritz Arrey

Presiding Judge



Emile Francis Short



Robert Fremr

Judge



[Seal of the Tribunal]

⁷ Request, paras 4 and 6

⁸ Prosecutor v. Jean-Bosco Uwinkindi, Case No. ICTR-2001-75-I, Decision on Human Rights Watch Request for Extension of Time to File an amicus curiae supporting brief, 28 January 2011