

ICTR-01-75-1
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**International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda**

UNITED
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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: 4 May 2011

509 01 11- 101 003

THE PROSECUTOR

v.

JEAN-BOSCO UWINKINDI

Case No. ICTR-2001-75-R11bis

**ORDER FOR PROSECUTION TO FILE AN EXPEDITED RESPONSE TO THE
DEFENCE MOTION FOR LEAVE AND EXTENSION OF TIME TO FILE A
CONSOLIDATED RESPONSE TO THE PROSECUTOR'S REPLY AND TO THE
AMICUS CURIAE BRIEF OF THE KIGALI BAR ASSOCIATION**

Office of the Prosecutor:

Hassan Bubacar Jallow
Bongani Majola
Richard Karegyesa
James Arguin
George Mugwanya
Inneke Onsea

Counsel for the Defence:

Claver Sindayigaya
Iain Edwards
Bettina Spilker

Order to Prosecution to file an expedited response
to Defence 'Motion for Leave and extension of time to file
a Consolidated Response to Prosecutor's Reply and Kigali Bar'

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INTRODUCTION

1. On 04 November 2010, the Prosecution 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") pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence ("Rules").¹
2. On 14 March 2011 the Defence filed its response to the Prosecution's 11 *bis* Motion.² On 20 April 2011 the Prosecution filed their Consolidated Reply to the Defence Response and the *amici curiae* reports.³
3. On 27 April 2011 the Kigali Bar Association filed its *amicus curiae* brief in support of the 11 *bis* Motion.⁴
4. On 3 May 2011 the Defence filed a motion for leave and extension of time to respond to the Prosecution's Consolidated Reply and the Kigali Bar Association Amicus brief.⁵

DISCUSSION

5. The Referral Chamber recalls that the Accused has been in detention since 2010, and that the commencement of his trial is dependent upon the completion of the Referral proceedings. Therefore, the Trial Chamber is of the view that an

¹ *Prosecutor v. Jean 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.

² *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, Defence response to the 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, 14 March 2011.

³ *Prosecutor v. Jean Uwinkindi*, Prosecutor's consolidated Response to : (1) Defence Response to the Prosecutor's Request for the Referral of the case of Jean Uwinkindi to Rwanda Pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence; (2) *Amicus Curiae* Brief of Human Rights Watch in opposition to Rule 11 *bis* Transfer; (3) *Amicus Curiae* Brief of the International Association of Democratic Lawyers (IADL) Pursuant to Rule 74 (Rules of Procedure and Evidence); and (4) International Criminal Defence Attorneys Association (ICDAA) *Amicus Curiae* Brief, 20 April 2011.

⁴ *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, *Amicus Curiae* Brief of the Kigali Bar Association in the matter of the Prosecutor's request for the Referral of the a case of Uwinkindi Jean, 26 April 2011.

⁵ *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11*bis*, Defence Motion for leave and extension of time to file a consolidated response to the Prosecutor's Reply and to the *Amicus curiae* brief of the Kigali Bar Association ("Motion"), 3 May 2011.

*Order to Prosecution to file an expedited response
to Defence 'Motion for Leave and extension of time to file
a Consolidated Response to Prosecutor's Reply and Kigali Bar'*

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expedited response from the Prosecution to the Defence Motion will allow the Chamber to make an early determination which in turn will assist the parties in their planning. Thus, in the interests of justice,

THE REFERRAL CHAMBER

ORDERS the Prosecution to file a Response to the Defence Motion for Leave and extension of time to file a consolidated response by noon on 6 May 2011.


Arusha, 4 May 2011, done in English.

for 
Florence Rita Arrey

Presiding Judge

for 
Emile Francis

[Seal of the Tribunal]


Robert Fremr

Judge

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