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ICTR-01-75-I
06-06-2011
(4627-4625)

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Mugwanya



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

UNITED
NATIONS
NATIONS
UNIES

OR: ENG

TRIAL CHAMBER II

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

Registrar: Adama Dieng

Date: 06 June 2011

JUDICIAL RECORDS ARCHIVES
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THE PROSECUTOR

v.

JEAN-BOSCO UWINKINDI

Case No. ICTR-2001-75-R11bis

**ORDER TO THE GOVERNMENT OF RWANDA TO PROVIDE FURTHER
INFORMATION REGARDING 36 GENOCIDE CASES AT THE HIGH COURT**

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

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.
2. 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
3. On 14 March 2011, the Defence filed a response to the Prosecution's 11 bis Motion ("11 bis Response").² On 20 April 2011, the Prosecution filed a Consolidated Reply to the Defence Response and the *amici curiae* briefs submitted in the case (11 bis Reply).³
4. On 18 February 2011, the Government of Rwanda ("GoR") filed a brief as *amicus curiae* supporting the Prosecution Motion. In that Brief, the GoR noted that from 2006 to 2010, "the High Court presided over 36 genocide cases."⁴ The Referral Chamber notes that it has received no information from either of the parties or any of the *amici* relating to these cases, although such information might be of assistance to the Chamber in its assessing the arguments of the parties.

¹ *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11bis, Prosecutor's request for the referral of the case of Jean-Bosco Uwinkindi to Rwanda pursuant to Rule 11bis of the Tribunal's Rules of Procedure and Evidence ("11 bis Motion"), 4 November 2010.

² *Prosecutor v. Jean Uwinkindi*, Case No. ICTR-2001-75-R11bis, 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 GoR *Amicus* Brief, para. 123.

5. Thus, the Referral Chamber directs the government of Rwanda to provide the following information with respect to each of those cases:

- a) The number of prosecution witnesses and defence witnesses who testified in each case;
- b) The names of Counsel representing the Accused in each case;
- c) The verdicts in each case;
- d) Information regarding arrangements made for witnesses living abroad in those cases.

FOR THESE REASONS, THE REFERRAL CHAMBER

ORDERS the Government of Rwanda to provide the information requested above to the Referral Chamber by 20 June 2011;

DIRECTS the Registry to transmit this Order to the Government of Rwanda.

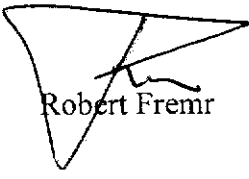
Arusha, 06 June 2011, done in English.


Florence Rita Arrey

Presiding Judge


Emile Francis Short
PP

[Seal of the Tribunal]


Robert Fremr
Judge