



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
ICTR-01-75-AR 11bis
24-08-2011

5203
Mwa

(5203-5202)

OR: ENG

PRESIDENT OF THE TRIBUNAL

Before Judge: Khalida Rachid Khan, President

Registrar: Adama Dieng

Date: 24 August 2011

2011 AUG 24 P 4: 24
JUDICIAL RECORDS/ARXIVES
RECEIVED
UNICTR

THE PROSECUTOR

v.

Jean UWINKINDI

Case No. ICTR-2001-75-AR11bis

**DECISION ON MOTION SEEKING TO EXPUNGE
A FILING FROM THE CASE RECORD**

Office of the Prosecutor:
Richard Karegyesa
James Arguin

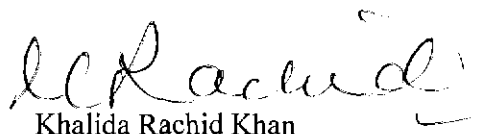
Defence Counsel:
Claver Sindayigaya
Iain Edwards
Bettina Spiker

1. On 28 June 2011, a Referral Bench rendered its decision in the case of Jean Uwinkindi (“*Uwinkindi* Referral Decision”) referring the case to the Republic of Rwanda for trial. The Defence has since appealed the *Uwinkindi* Referral Decision.
2. On 23 August 2011, the Defence of the Accused Uwinkindi filed a motion (“Motion”) requesting the President and the Referral Bench to expunge from the case record a document filed by the Government of Rwanda in this case before the President.¹
3. With the issuance of the *Uwinkindi* Referral Decision, the Referral Bench became *functus officio*. The Appeals Chamber is now seized of the case.² Neither the Referral Chamber nor the President has any jurisdiction in this matter. Accordingly, the Motion, as presently filed, is dismissed. The President expresses no opinion on its merits.

FOR THE ABOVE REASONS, THE PRESIDENT

DISMISSES the Motion without prejudice to the Defence.

Arusha, 24 August 2011, done in English.


Khalida Rachid Khan

President

[Seal of the Tribunal]



¹ Defence Extremely Urgent Motion to Expunge from the Record Submissions by the Government of Rwanda made Beyond the Scope of the Referral Chamber’s Request, 23 August 2011.

² Order Assigning a Pre-Appeal Judge, 14 July 2011.