



1212-05-89-I
24-2-2012
(505-504)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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HMM

UNITED NATIONS
NATIONS UNIES

OR: ENG

TRIAL CHAMBER III

Before Judges: Lee Gacuiga Muthoga, Presiding
Seon Ki Park
Gberdao Gustave Kam

Registrar: Adama Dieng

Date: 24 February 2012

JUDICIAL RECORDS ARCHIVES
UNICTR
2012 FEB 21 P. 2: 57

THE PROSECUTOR
v.
Bernard MUNYAGISHARI

Case No. ICTR-2005-89-I

ORDER FOR RULE 33 (B) SUBMISSIONS FROM THE REGISTRAR

Office of the Prosecutor
Hassan Bubacar Jallow
James J. Arguin
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Philippe Moriceau
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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA ("Tribunal"),

SITTING as Trial Chamber III, composed of Judges Lee Gacuiga Muthoga, presiding, and Judges Seon Ki Park and Gberdao Gustave Kam, pursuant to Rule 54 of the Rules of Procedure and Evidence ("Rules");

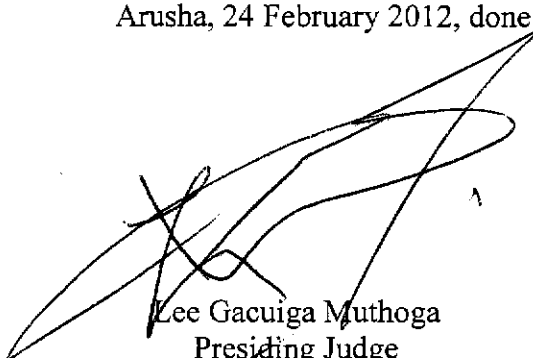
NOTING that Rule 11 *bis* (D) (iv) states that the Trial Chamber may order the Registrar to send observers to monitor the proceedings in the State concerned and that the designated Trial Chamber may take such a mechanism into account in concluding that the trial will be fair;¹

RECALLING that the Prosecution described the Trial Chamber in *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-01-75 (the "*Uwinkindi* case") as having put in place a comprehensive and robust system to provide additional safeguards for Uwinkindi's trial rights following the acceptance of the monitoring role by the African Commission of Human and Peoples Rights;²

RECALLING FURTHER that the Defence stated in their response that the Registrar does not have the funds to finance the monitoring of the *Uwinkindi* case and that there exists no agreement with an independent monitor;³

HEREBY ORDERS the Registrar, pursuant to Rules 33 (B) and 54 of the Rules, to provide the Chamber, by 16 March 2012, with written submissions on what arrangements have been made to provide independent monitoring in the *Uwinkindi* case and the implications for future referral cases.

Arusha, 24 February 2012, done in English



Lee Gacuiga Muthoga
Presiding Judge



Seon Ki Park
Judge



Gberdao Gustave Kam
Judge

[Seal of the Tribunal]



¹ *The Prosecutor v. Jean Uwinkindi*, Case No. ICTR-01-75, Appeals Chamber Decision on Uwinkindi's Appeal Against the Referral of his Case to Rwanda and Related Motions, 16 December 2011, para. 83; *Prosecutor v. Radovan Stanković*, Case No. IT-96-23/2, Appeal Decision on Rule 11 *bis* Referral, 1 September 2005, para. 52.

² *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-2005-89-I, Prosecutor's Request for the Referral of the Case of Bernard Munyagishari to Rwanda Pursuant to Rule 11 *bis* of the Tribunal's Rules of Procedure and Evidence, 9 November 2011, paras. 88-90.

³ *The Prosecutor v. Bernard Munyagishari*, Case No. ICTR-2005-89-I, *Réponse de la Défense de Bernard Munyagishari a la Requête du Procureur aux fins de renvoi de l'affaire Munyagishari au Rwanda en application de l'article 11 bis du règlement de procédure et de prévue*, 1 February 2012, paras. 155, 156.