

International Criminal Tribunal for Rwanda

TRIAL CHAMBER II

OR: ENG

Before: Judge William H. Sekule
Designated by the Trial Chamber
pursuant to Rule 73 of the Rules of
Procedure and Evidence

Registrar: Dr. Agwu U. Okali

Decision of: 11 May 2000

THE PROSECUTOR
v.
CASIMIR BIZIMUNGU

Case No. ICTR-99-50-I

ICTR
COURT REGISTRY
RECEIVED
2000 MAY 11 P 4: 35

**DECISION ON EXTREMELY URGENT MOTION FOR EXTENSION
OF TIME IN WHICH TO FILE HIS RESPONSE TO THE
PROSECUTOR'S MOTION FOR JOINDER DUE TO THE FAILURE
TO DISCLOSE A FULL ENGLISH TEXT OF THE SUPPORTING
MATERIALS TO THE DEFENCE**

The Office of the Prosecutor:

Carla Del Ponte
Kenneth Flemming

Defence Counsel for the Accused:

Judith L. Bourne

THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the "Tribunal"),

SITTING in the person of Judge William H. Sekule, as Designated by the Trial Chamber II pursuant to Rule 73 of the Rules of Procedure and Evidence (the "Rules");

CONSIDERING the indictment submitted by the Prosecutor against Casimir Bizimungu and others on 12 May 1999, confirmed by Judge Navanethem Pillay on the same day, for the crimes of genocide, conspiracy to commit genocide, complicity in genocide, crimes against humanity and serious violations of Article 3 common to the 1949 Geneva Conventions and the 1977 Additional Protocol II thereto;

BEING SEIZED of a Prosecutor's motion for joinder of the Accused Bizimungu and others, filed on 3 March 2000.

BEING SEIZED of a Defence motion, filed on 29 April 2000, entitled "Extremely Urgent Motion of Accused Bizimungu for an Extension of Time in Which to File His Response to the Prosecutor's Motion for Joinder Due to the Failure to Disclose a Full English Text of the Supporting Materials to the Defence" (the "Motion");

CONSIDERING the Prosecutor's Response to the Motion filed on 3 May 2000;

CONSIDERING the provisions of the Statute of the Tribunal (the "Statute") and the Rules;

RECALLING the oral decision of the Tribunal that the Defence should file any preliminary motion within 45 days from 27 March 2000. *See* transcript of 27 March 2000, at 28.

AFTER HAVING DELIBERATED:

WHEREAS in support of this Motion, the Defence has submitted that two copies of the supporting material, one in English and one in French were provided to Defence Counsel on 25 March 2000. However, numerous passages in the English version have been found to be in French, a language the Defence Counsel is not able to work in. The Defence argues that the failure to disclose all supporting material in English makes it impossible for the Defence to file a response to the Prosecutor's motion for joinder and has caused material prejudice to the Accused. The Defence therefore requests an order granting an extension of time in which to file a response to the Prosecutor's motion for joinder until a reasonable time after disclosure in English of those passages of the supporting material which have not been so provided.

WHEREAS the Prosecutor, in her written submission, opposed the Defence's request on the ground that the supporting material under Rule 66 has been disclosed completely.

WHEREAS it is not in dispute that the two copies of the supporting material envisaged in Rule 66 were delivered to Defence before 27 March 2000. Rule 3 stipulates the working languages of the Tribunal are English and French. The Tribunal considers, for effective

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assistance, the documents provided to Defence Counsel shall be in the language the Counsel understands.

WHEREAS, however, from the illustration in the Motion, the passages in French of the supporting material appear not to be significant portion, the Tribunal is not convinced that the Defence Counsel does not understand the substantive content of the supporting material entirely and the Defence Counsel is completely impeded to file a response to the Prosecutor's motion for joinder.

NOTING the COURT MANAGEMENT SECTION informed the Chamber that the translations of those passages were ready and had been transmitted to the Defence Counsel on 10 May 2000.

WHEREAS the date for hearing of the Prosecutor's motion for joinder is scheduled on 5 June 2000, the Tribunal finds that the Defence has enough time to file a response to the Prosecutor's motion, in accordance with Rule 73(C), ten days before the hearing.

THEREFORE the Tribunal is of the opinion that no sufficient cause has been shown to grant an extension of time as requested by the Defence.

FOR THESE REASONS THE TRIBUNAL

DISMISSES the Motion.

Arusha, 11 May 2000.



William H. Sekule
Judge

