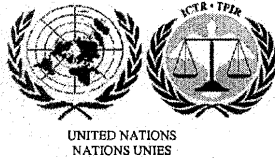


ICTR-99-50-T
18-11-2003
(10717-10715)



International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

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TRIAL CHAMBER II

Before: Judge Asoka de Zoysa Gunawardana, Presiding
Judge Khalida Rachid Khan
Judge Lee Gacuiga Muthoga

Registrar: Adama Dieng

Date: 17 November 2003

The PROSECUTOR
v.
Casimir BIZIMUNGU
Justin MUGENZI
Jerôme-Clément BICAMUMPAKA
Prosper MUGIRANEZA
Case No. ICTR-99-50-I

2003 NOV 18 P 14:30
ADJUDICATION
RECORDS
10717

**DECISION ON "REQUÊTE EN EXTRÊME URGENCE DE LA DÉFENSE AFIN
DE RECONSIDÉRER L'ORDONNANCE RENDUE CONCERNANT LE DROIT
DE L'ACCUSÉ D'EXAMINER LES ÉLÉMENTS DE PREUVE À CHARGE
D'UNE MANIÈRE COMPATIBLE AVEC LE CONCEPT DU PROCÈS
ÉQUITABLE ET DE LA DÉFENSE PLEINE ET ENTIÈRE"**

Counsels for the Prosecution:

Paul Ng'arua
Ibukunolu Babajide
Elvis Bazawule
George Mugwanya

Counsel for the Defence:

Michelyne C. St. Laurent for Casimir Bizimungu
Howard Morrison and Ben Gumpert for Justin Mugenzi
Pierre Gaudreau for Jérôme-Clément Bicamumpaka
Tom Moran and Christian Gauthier for Prosper Mugiraneza

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (the “Tribunal”),

SITTING as Trial Chamber II, composed of Judge Asoka de Zoysa Gunawardana, Presiding, Judge Khalida Rachid Khan and Judge Lee Gacuiga Muthoga (the “Chamber”);

BEING SEIZED of “Requête en Extrême Urgence de la Défense Afin de Faire Reconsidérer l’ordonnance Rendue Concernant le Droit de l’Accusé d’Examiner les Eléments de Preuve a Charge d’une Manière Compatible Avec le Concept du Procès Equitable et de la Défense Pleine et Entière” filed confidentially on 4 November 2003, (the “said Motion”);

NOTING the “Prosecutor’s Response to Requête en Extrême Urgence de la Défense Afin de Faire Reconsidérer l’ordonnance Rendue Concernant le Droit de l’Accusé d’Examiner les Eléments de Preuve a Charge d’une Manière Compatible Avec le Concept du Procès Equitable et de la Défense Pleine et Entière” filed confidentially on 12 November 2003, (the “Response”);

CONSIDERING that in the said Motion the Defence was moving the Trial Chamber to order to the Prosecutor, *inter alia*, to make available all videos in possession of the Office of the Prosecutor to the Defence, so that the later could watch them along with their clients.

NOTING the oral Order issued by the Trial Chamber on 11 November requesting the Prosecutor to make all necessary arrangements to allow the Defence to view the said videos in the presence of the accused.

NOTING that the Prosecutor has informed the Trial Chamber on 12 November 2003 that all the videos requested by the Defence would be available on CD-ROMs as soon as possible. Therefore the Defence will be in a position to view them with their clients at the Detention Unit.

CONSIDERING that this is primarily the relief sought by the Defence in the said Motion. Accordingly, the Trial chamber is of the view that the said Motion is now rendered moot and should be dismissed.



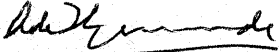
10715

The Prosecutor v. Casimir Bizimungu et al., Case No. ICTR-99-50-I

FOR THE ABOVE REASONS, THE CHAMBER HEREBY

DISMISSES the said Motion.

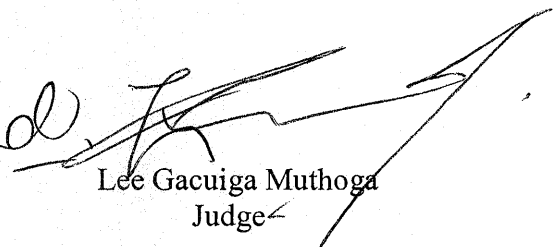
Arusha, 17 November 2003



Asoka de Zoysa Gunawardana
Presiding Judge



Khalida Rachid Khan
Judge



Lee Gacuiga Muthoga
Judge

